

EXHIBIT

29A

Dietrich Pahl April 28, 2005

<p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF MASSACHUSETTS 3 BRAUN GmbH,) 4 Plaintiff,) 5 -vs-) No. 03-CV-12428 (WGY) 6 RAYOVAC CORPORATION,) 7 Defendant.)</p> <p>8 Videotaped deposition through interpreter of 9 DIETRICH PAHL, Ph.D taken before CAROL CONNOLLY, CSR, 10 CRR, and Notary Public, pursuant to the Federal Rules of 11 Civil Procedure for the United States District Courts 12 pertaining to the taking of depositions, at Braun GmbH, 13 Frankfurter Strasse 145, D-61476 Kronberg im Taunus, 14 Germany, at 9:53 a.m. on the 28th day of April, A.D., 15 2005.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p>Page 1</p> <p>1 VIDEOTAPED DEPOSITION OF 2 GEBHARD BRAUN 3 April 28, 2005 4 EXAMINATION BY: PAGE 5 Mr. James Shimota 5 6 ***** 7 EXHIBITS 8 9 Deposition Exhibit No. 27 101 10 Deposition Exhibit No. 28 121 11 Deposition Exhibit No. 29 121 12 Deposition Exhibit No. 30 122 13 Deposition Exhibit No. 31 122 14 Deposition Exhibit No. 32 150 15 Deposition Exhibit No. 33 153 16 Deposition Exhibit No. 34 174 17 Deposition Exhibit No. 35 192 18 19 20 21 22 23 24</p> <p>Page 2</p> <p>1 There were present at the taking of this 2 deposition the following counsel: 3 ROPES & GRAY, LLP by 4 MR. WILLIAM L. PATTON 5 MS. LESLEY F. WOLF One International Place Boston, Massachusetts 02110-2624 (617) 951-7000 6 on behalf of the Plaintiff; 7 KIRKLAND & ELLIS, LLP MR. JAMES SHIMOTA 200 East Randolph Drive Chicago, Illinois 60601 (312) 861-2000 11 on behalf of the Defendant; 12 ALSO PRESENT: Mr. Uwe Sievers Braun GmbH; Dr. Wolfgang Stutius Ropes & Gray; 15 Dr. Wolfgang Vorbeck Braum GmbH; Ms. Jeanette Fröhlich Interpreter; 18 Mr. Kevin Duncan Legal Videographer. -----</p> <p>Page 4</p> <p>1 THE VIDEOGRAPHER: Good morning. We are going on 2 video record at 9:53 a.m. Today's date is April 28, 3 2005. My name is Kevin Duncan. I am a certified legal 4 videographer in association with Legalink-Chicago. The 5 court reporter today is Ms. Carol Connolly. 6 Here begins the videotaped deposition of 7 Dr. Dietrich Pahl, Ph.D taken in the matter of the 8 Gillette Company, et al. versus Remington Products 9 Company in the United States District Court for the 10 District of Massachusetts. This deposition is being 11 held at the Gillette and Braun Company, Kronberg, 12 Germany. 13 Would counsel please identify themselves for 14 the record, state whom they represent starting with the 15 noticing party. 16 MR. SHIMOTA: Jim Shimota from Kirkland and Ellis 17 appearing on behalf of Rayovac Corporation. 18 MR. PATTON: Bill Patton from Ropes & Gray from 19 Boston on behalf of the Braun Company. 20 THE VIDEOGRAPHER: Thank you. Will the court 21 reporter swear in the interpreter and also the witness. 22 23 24</p>
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<p>1 JEANETTE FRÖLICH, 2 called as an Interpreter herein, was sworn to interpret 3 questions from English to German and answers from German 4 to English:</p> <p>5 DIETRICH PAHL, Ph.D., 6 called as a witness herein, having been first duly 7 sworn, was examined upon oral interrogatories and 8 testified as follows:</p> <p>9 EXAMINATION 10 By Mr. Shimota: 11 Q Good morning, sir. 12 A Good morning. 13 Q Would you please state your name for the 14 record? 15 A My name is Dietrich Pahl, P-A-H-L. 16 MR. PATTON: Jim, before we proceed, I just want to 17 note for the record that Dr. Pahl is willing to have the 18 deposition occur in English, but, of course, it's not 19 his first language. So if he needs assistance at any 20 time, he would like to ask our interpreter. 21 And I also assume that the stipulation we 22 entered into at the beginning will be true here, that 23 all objections except as to form are reserved to the 24 time of trial.</p>	<p>Page 5</p> <p>1 Q And, also during the course of the day, if you 2 had previously given an answer and you believe that that 3 answer is incomplete or in -- later believe it is 4 incomplete or incorrect, would you please tell me that? 5 A Yes. 6 Q And, finally, is there any reason that you can 7 think of sitting here today that you are unable to 8 provide truthful and accurate answers to my questions? 9 A No. 10 Q I'd like to ask you Dr. Pahl, are you 11 represented by counsel today? 12 MR. PATTON: It's me. 13 THE WITNESS: It's him. I understand that. 14 MR. SHIMOTA: Q When did you become or when did you 15 retain counsel? 16 A I personally didn't engage or hire counsel. 17 He's here since I don't know what time and I met him 18 first time yesterday. 19 Q Let me ask -- try and ask this. When did 20 Mr. Patton or the firm of Ropes and Gray become your 21 lawyer? 22 A Let's say yesterday onwards. Day before 23 yesterday. Excuse me. 24 Q I understand. Do you understand that there is</p>
<p>1 MR. SHIMOTA: That's fine. 2 Q Dr. Pahl, absolutely, if there's any time if 3 you feel you cannot understand any of my questions OR 4 would like to have it translated, please do. 5 A Thank you. 6 Q In that regard, before we begin I'd like to go 7 through a few bits of deposition basics. You understand 8 that I'm here to ask you questions and you will provide 9 answers to those questions, correct? 10 A Sure. 11 Q It's also important that during the course of 12 the deposition that the court reporter be able to take 13 down everything that is said. So I will do my best not 14 to speak over you, and I would ask that you do your best 15 not to speak when I'm speaking. Can you do that, 16 please? 17 A I'll try hard. 18 Q It is difficult, but we can try. 19 A Sure. 20 Q It's also important that you understand my 21 questions. If at any point you feel that you need 22 clarification to any question that I ask you, I would 23 request that you would please do so. Would you do that? 24 A Yes.</p>	<p>Page 6</p> <p>1 a litigation between Braun and Rayovac over a patent 2 matter? 3 A Yes, I have been informed of that. 4 Q And are you acting as a consultant on behalf of 5 Braun in connection with the patent litigation? 6 A I don't know whether I'm consultant. I view 7 myself as a witness. 8 Q Are you being compensated by Braun in any way 9 for -- in order to assist them in connection with the 10 litigation? 11 A Up till now not. I hope they will pay me for 12 lunch. 13 Q I'm sure they will. 14 A And coffee, of course. 15 Q Coffee is good. It's free. 16 Could you describe for me briefly -- do you 17 understand if I use the term high school what is meant 18 by that? 19 A Yes, right. 20 Q Can you describe for me your educational 21 background following high school? 22 A At the end of high school I started to work on 23 my Ph.D on high school after course. After that I got a 24 job -- I was mechanical engineer and I started off with</p>

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<p style="text-align: right;">Page 9</p> <p>1 machine tool company designing machines for special 2 processes. 3 THE INTERPRETER: Excuse me. I think there was a 4 misunderstanding between high school and university. I 5 think hochschule is university. May I clarify, try to 6 clarify what your question was? 7 MR. SHIMOTA: Yes, absolutely. 8 A I'm sorry. For me technical high school is 9 identical with technical university. 10 THE INTERPRETER: After 12 years, 13 years of 11 school. 12 THE WITNESS: After my baccalaureate I started 13 studying machine tool business and I finish that one in 14 -- starting in '69, 1969, then I work on my Ph.D. And 15 this lasted up until -- excuse me. This lasted up until 16 '69. So it took me 4 years to do the Ph.D. I studied 17 until '65, plus four years Ph.D until was ready. 18 Then my first job was machine tool company 19 where I worked until '73, and in '73 -- October, '73, I 20 joined Braun as head of the department of industrial 21 engineering. From '76 onwards up until '81 I was plant 22 manager or has been called director of Braun Ireland 23 Limited. It was a plant which has been established on 24 the Green Cross to create 1,500 jobs in five years and</p>	<p style="text-align: right;">Page 11</p> <p>1 A It's the same basically. Let's put it that 2 way. Mechanical engineer is the overall word, 3 manufacturing engineering is specialty underneath it, 4 cover under umbrella of mechanical engineering. 5 Q How is it a subset of mechanical engineering? 6 A How? 7 Q How is it a specialization of mechanical 8 engineering? 9 A After studying round about 4 semesters 2 years 10 in general study you have to specialize to certain 11 areas, and I choose manufacturing engineering. 12 Manufacturing engineering means that you are studying 13 processes like thermodynamics, mechanics, machine tool 14 design, machine tool elements then you finish up with a 15 degree, like a diplom engineer. 16 Q Did you study any -- at the technical high 17 school, did you ever study any cleaning processes? 18 A No, nothing about cleaning processes. 19 Q Did you take any course work in, for example, 20 separations? 21 A What? 22 Q Did you study processes such as filtration? 23 A During the period of time when I make my Ph.D I 24 was working on -- did work on a process which was called</p>
<p style="text-align: right;">Page 10</p> <p>1 this I had to do. At the time we produced cigarette 2 lighters and then later on personal care products, hair 3 care products mostly. 4 From '81 to until I think '93 I became head of 5 the dry shaver development department here in Kronberg. 6 From that job I wanted to leave the company but my boss 7 at the time told me it was impossible so I changed over 8 to the research department for dry shavers working on a 9 three-day week, and this I did until -- perhaps not 10 exact date is in my head, I have to look it up, but '98, 11 yes, when I left Braun and retired. 12 Q Starting first with the university -- what 13 university did you study at? 14 A Has been called technical high school in Achen. 15 Achen is a place in Germany, west of Germany. 16 Q Is that spelled -- 17 A A-C-H-E-N. 18 Q What did you study at the technical high 19 school? 20 A It was called manufacturing engineering then 21 you got your degree as we call in Germany diplom 22 engineer. What it is in English, I don't know. 23 Q Is manufacturing engineering the same thing as 24 mechanical engineering or is it different?</p>	<p style="text-align: right;">Page 12</p> <p>1 electrochemical machining. And electrochemical machining 2 is more or less corrosion type of process, controlled 3 corrosion type of process, you can name it like that. 4 And you know when there's corrosion there is also 5 elements which are called rust, which are 6 oxygen-hydrogen connections with metal, and it formed 7 sludge. And to clean the liquid, the electrolyte it's 8 called from that sludge you need filters which don't 9 work too well, but you do it ideally with centrifuges. 10 So I started off prior to my studying with 11 another company that were specialized in centrifuges to 12 develop a special type of centrifuge for the sludge for 13 the electrochemical machining. 14 Q Is -- was the electrochemical machining -- was 15 the electrochemical machining what you wrote your thesis 16 on? 17 A Yes. 18 Q What -- in what year did you publish your 19 thesis? 20 A That has to be -- let me think, '69. 21 Q Do you still have a copy of your thesis? 22 A Yes. 23 Q If asked to would you be willing to provide a 24 copy of your thesis?</p>

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<p style="text-align: right;">Page 13</p> <p>1 A Sure. I give it to you and you forward it. 2 Q Could you describe generally what course work 3 you took while you were studying for your Ph.D? 4 A What do you mean by course work? 5 Q Which subjects did you -- 6 A When you do your Ph.D you don't study anymore. 7 The contrary happens. You have to give lessons or 8 exercises -- give the students some jobs to do and you 9 control them. 10 First of all, you have a lesson and then comes 11 a practical type of work and you give to the guys, your 12 students, you give certain targets which they have to 13 fulfill and be theoretically or be practically, and 14 then, of course, you correct the thing and give the 15 notes. 16 Q Let me see if I understand. When you were 17 working towards your Ph.D, were you teaching classes to 18 students? 19 A Yes, yes. 20 Q What classes did you teach? 21 A In the special field of -- has been called 22 metal removal processes which includes spark erosion, 23 ultrasonic drilling or machining and electrochemical 24 machining.</p>	<p style="text-align: right;">Page 15</p> <p>1 wanted to use for producing dies, forge dies. And my 2 job was to design the machine for electrochemical 3 machining because nobody had a clue about what the 4 process was like. So I was a specialist. 5 So I was working with a couple of designers to 6 design the machine and build it and try making tests or 7 test works for outside customers. Somebody came along 8 said, look, I have to have a turbine blade machine in 9 very exotic alloy, I had to do the thing. 10 I had to develop the tool, the work -- the 11 electrodes tool in a certain shape, which was not just 12 the contrary of a shape the people wanted, the turbine 13 blade, had to have some corrections which I had to 14 calculate and so on, so forth, run tests with what I 15 developed there and then present it, turbine blade, for 16 instance, to the consumer to make him decide whether he 17 buys the machine yes or no. 18 Q I understand. So did you eventually develop 19 the machine -- 20 A Sure. 21 Q Can you describe for me in general what the 22 components of the machine were? 23 A Of course. First of all, need a body which has 24 to be corrosion proof because you are dealing with salty</p>
<p style="text-align: right;">Page 14</p> <p>1 Q Do you recall what textbook you used? 2 A Pardon? 3 Q In the class that you taught do you recall the 4 text you used? 5 A They were things that I had to develop on 6 myself to explain to the students the processes and the 7 answers or the questions and trials I gave them I have 8 to develop on my own. So there were no books. There 9 were basically newspaper sheets with all the information 10 on them which had been handed to the students. 11 Q Do you still have some of the lessons? 12 A No, none of them. 13 Q I can imagine. 14 You mentioned also you went to work for a 15 machine tool company in 1973? 16 A Right. 17 Q Do you remember the name of that company? 18 A Has been called Nassovia, N-A-S-S-O-V-I-A. The 19 company is no longer existed. 20 Q What were your responsibilities at Nassovia? 21 A I was responsible to design -- explain. In 22 this company there had been build machine for two 23 processes, copy milling and spark erosion. They wanted 24 to have a third electrochemical machining which they</p>	<p style="text-align: right;">Page 16</p> <p>1 liquids which cause corrosion. Within that machine body 2 you need a table where you put your work piece on, and 3 on the other side you need a feeding or driving 4 mechanism which drives the tool, the tool electrode with 5 a constant speed into the work piece. 6 In this process the work piece is the inert 7 which is on the plus pole of the generator, and the 8 electrode is on the minus pole of a generator. And the 9 generator works with tension of 10 to 20 volts but with 10 high current because metal removal rate is one-to-one 11 depending on the current, which means more current the 12 more you move per time. 13 To come up to that process you need an 14 electrolyte, and this is normally sodium chloride 15 solution or a sodium nitrate solution. And you have to 16 feed that thing into that which has been formed by 17 narrowing the two electrode to the work piece. And the 18 gap has a width of .12, .3 over millimeter, tiny little 19 gap. And we have now to flush in the gap the 20 electrolyte by means of high pressure pump. You have to 21 figure out that the current -- and we are dealing with 5 22 to 20,000 amperes will be transferred into heat, and the 23 heat has to be eliminated out of the gap between two 24 gases of the cathode by the electrolyte flowing, which</p>

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<p style="text-align: right;">Page 17</p> <p>1 means you need a good stream, very homogenous stream 2 picture. With high velocity you get the heat out. 3 If you don't get the heat out the current -- 4 the electrolyte will evaporate, the metal would not be 5 removed and cathode and inert will go together and you 6 will create a short circuit.</p> <p>7 To avoid that you need a tank, high pressure 8 pump and a good electrolyte feeding system. So you have 9 three elements: Machine with drive, the generator and 10 the electrolyte system it's called. When the 11 electrolyte is getting out of that gap between the two 12 pieces, work piece and tool, it has sludge in it, plus a 13 certain amount of hydrogen gases and oxygen gases. 14 The latter disappear in the atmosphere, you 15 have ventilator to blow them on top of the roof, but the 16 sludge goes back into the tank of the electrolytes and 17 from there it has to be removed, and as I told you 18 prior, by means of filters, even better centrifuges. 19 It's hard to explain that complicated process 20 without drawings and sketches, but I hope you got it.</p> <p>21 Q Sure. I understand. 22 A Because this process is not very common. It 23 has had a good promising future, but then came 24 definitely the problem with the sludge. Some -- if you</p>	<p style="text-align: right;">Page 19</p> <p>1 centrifuge integrated and fully integrated for big 2 particles which are on a tray which you can hook on a 3 crane and put everywhere where you want. The machine 4 was totally separate from that linked by hoses as was 5 generator could be separated linked by cables with a 6 thickness and couple of them to get the current through. 7 Q How could -- And the tank, I assume the 8 electrolyte would eventually become spent, is that 9 correct? 10 A No. Electrolyte is going to be cleaned. What 11 happens -- sorry. I have to correct myself. What 12 happens is that the salt doesn't -- the sodium chloride 13 doesn't disappear, but the water will be distributed 14 into hydrogen/oxygen and this means a use of water. So 15 you have to refill water in the thing from time to time 16 to keep the connectivity of the electrolyte constant and 17 wouldn't -- conductivity would erase in due course of 18 time. 19 Q Well, would -- the filter would eventually 20 become spent, I assume, though, is that right? 21 A The filter only service to get big particles of 22 electrolyte, let's say, for instance some chips of 23 metals or scint or something like that. It's simply 24 there to avoid that particles are being locked or</p>
<p style="text-align: right;">Page 18</p> <p>1 have machine, chromium alloys, you create chromates, 2 which are possible, and the sludge has to be deposited 3 somewhere safely which creates costs, and from there the 4 process became not economical anymore. 5 It's today only used in -- for parts which 6 cannot -- for materials which cannot be machined 7 conventionally by, say, milling. So it's been used 8 especially in the turbine field or the jets have 9 electrochemical machines, turbine blades in the thing, 10 and it's also used for drilling small holes into the 11 turbine blades for cooling them. 12 And the efficiency of nowadays jet engines 13 wouldn't be so high if they wouldn't have the cooling 14 possibility, and these holes are, let's say, .3, .4 15 millimeters holes, but they are not straight. They are 16 curved with the curved jaw of the turbine blade. And 17 this to do conventionally with a drill is impossible, 18 but this process manages that. 19 Q In your machine where was the tank in relation 20 to the table for the work piece? 21 A Let's put that way. You can put the tank 22 anywhere. You simply need hoses for the connection 23 between tank, pump and machine. With that machine I 24 designed a block of tanks, pump integrated with</p>	<p style="text-align: right;">Page 20</p> <p>1 blocked in the tiny little gap between the two 2 electrodes, work piece and tool electrode. If there 3 would be a metal part or a piece of sample wouldn't be 4 flushed through. You have automatically -- what is 5 it -- 6 DR. STUTIUS: Vortex. 7 A Where the electrolyte couldn't flow anymore so 8 it will heat up there, evaporate then you would create 9 short circuits. That's why you have to be sure that 10 bigger particles, bigger than the sludges, sludge 11 elements that you filter them out of the electrolyte. 12 If, for instance, you are working in a clean 13 environment, and there's no chance that you get 14 particles in the tank, you basically wouldn't need a 15 filter. 16 MR. SHIMOTA: Q I understand. Did you ever replace 17 the filters? 18 A I would say -- I did not -- when I was working 19 I didn't replace the filters, but let's say if you are 20 -- because you are running tests on a -- shift work, but 21 I would say in a company who was working with us process 22 I'd say once a month or every half a year they should 23 check whether the filters would be cleaned. 24 Q So you could clean it -- would you clean it or</p>

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<p style="text-align: right;">Page 21</p> <p>1 would you replace it?</p> <p>2 A No, clean.</p> <p>3 Q How would you clean the filter?</p> <p>4 THE INTERPRETER: Counter flow.</p> <p>5 A Counter flow, yes. Reverse flow. That's the right word.</p> <p>6 MR. SHIMOTA: Q I understand. After -- When the process was completed, would there be anything done to dry the work piece?</p> <p>7 A Yes. Depending on what material you have machined, you have to not only dry, you have to try to get rid of the salt crystals which might still stick on it to avoid corrosion.</p> <p>8 So in this case you normally pour into water with a -- there is liquids which we add to water and they assure that the water is being pushed off the surface. I don't know the special wording for it.</p> <p>9 Q Would the water be blown off the work piece?</p> <p>10 A Later on possibly, yes, but it depends -- depending on the size work piece et. cetera what you will do there. Wouldn't be blown normally not. Would be rinsed in water to make sure that you have no more salt crystals which might cause corrosion. Then, of course, to get rid of the water, the rest of the water,</p>	<p style="text-align: right;">Page 23</p> <p>1 today did you meet with counsel and prepare for your deposition?</p> <p>2 A For which deposition? For any?</p> <p>3 Q No, no. For the deposition that's occurring today.</p> <p>4 A No.</p> <p>5 Q On your own did you review any documents to help you remember things in anticipation of this deposition?</p> <p>6 A I once did when I first got aware there might be a problem I'm not named as inventor. I have been asked whether I could find something for -- I dig through all my files, and there weren't too many, and I found a presentation from 1992, I think '92, where we got a new boss, the R & D people, and he wanted to know what the guys have in their head. And he asked as to implementation about visions and futures of the appliances me and my colleagues were working on. For me it was the dry shaver. At that presentation I found and I gave it to the Braun patent department and I think it must be somewhere in your files even.</p> <p>7 Q I do have it. I take it you still have some personal files at home from your work at Braun?</p> <p>8 A Basically very little, only the personal ones,</p>
<p style="text-align: right;">Page 22</p> <p>1 you take that specific liquid which make sure the water is being pushed off the surface and also conservating the surface. Later on I might come to the right wording.</p> <p>2 Q When you think about it.</p> <p>3 A Dehydrated liquid.</p> <p>4 Q Let me think about it. I might get that too.</p> <p>5 A Possibly after lunch.</p> <p>6 Dewatering fluid they are called. Never heard about It.</p> <p>7 Q I have heard about it. I'm just trying to --</p> <p>8 A They are called dewatering fluid.</p> <p>9 Q Let me think about it. Let me finish this up.</p> <p>10 In your device there would not have been a fan or a blower?</p> <p>11 A I told you there is a fan that is needed to evaporate the hydrogen gases which occur in the process for safety reasons, of course. They are explosive in certain mixture.</p> <p>12 Q Is the fan used at all for drying in any form or just to pull the gas out?</p> <p>13 A Just to pull the gas out to be sure there will be no explosion.</p> <p>14 Q Did you prepare for your deposition? Prior to</p>	<p style="text-align: right;">Page 24</p> <p>1 but it's of no use anymore.</p> <p>2 Q Aside from the presentation that you found, do any of your -- do any of your files pertain -- let me take one step back.</p> <p>3 You're aware that the patents at issue involve a shaver cleaning system, right?</p> <p>4 A Yes, sure.</p> <p>5 Q Do any of the -- of your personal files at home aside -- aside from the presentation that you found, are there any documents in your files at home related to that work?</p> <p>6 A No, nothing. Even not the patent forms, patent applications, I have nothing.</p> <p>7 Q So let me just -- at -- any documents that you have -- you have searched for all the records for documents related to the shaver cleaning system, correct?</p> <p>8 A I gave them to Braun. It was the presentation.</p> <p>9 Q So you've given everything which is the presentation to Braun?</p> <p>10 A Yes.</p> <p>11 Q I understand. If there were a trial between Rayovac and Braun, would you come to the United States and testify if you were asked to by Braun?</p>

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<p>1 A And if they would pay the transfer fees. I 2 have a good relationship to my old company. I certainly 3 will help them.</p> <p>4 Q During -- let me just take a step back. You 5 came to Braun as the head of industrial engineering in 6 1976, is that correct?</p> <p>7 A Correct.</p> <p>8 Q What location?</p> <p>9 A No, '73. Sorry. '73 I said. '76 I went to 10 Ireland. That is correct.</p> <p>11 Q Would that have been in Kronberg, here?</p> <p>12 A Yes.</p> <p>13 Q At that time what were your responsibilities?</p> <p>14 A I was head of the industrial engineering 15 department and the task of this department was basically 16 to -- was a link pin between R & D and production, which 17 means as soon as a project has been accepted we had to 18 do the budgeting, how much do we have to invest. We had 19 to calculate the direct cost of the thing. We had in 20 conjunction with our purchasing department to determine 21 the machines, the automatic assembly lines, et cetera, 22 et cetera and what -- bring the product into production 23 from the stage of prototypes made by R & D until the 24 series starts in production. We had to supervise and</p>	<p style="text-align: right;">Page 25</p> <p>1 made by Braun, of course, and a cloth and he was 2 sweeping the thing off to have no water stains on the 3 shaver foil, and that was it.</p> <p>4 Q Was there basically an assembly line with 5 the --</p> <p>6 A No. The assembly -- at the end of the every 7 assembly line there is always with every product more or 8 less lady sitting there with a cloth and trying to get 9 fingerprints off the appliances which are being put on 10 the appliances, on housing of appliances in due course 11 of production, assembly.</p> <p>12 Q So I guess -- how were the shaving head or the 13 foils being rinsed with water?</p> <p>14 A Automatically. You have to figure out that the 15 foils are being produced on a huge, big sheet of metal 16 which are going from one bath to another.</p> <p>17 Electrochemical process the country where I told you I 18 was doing my Ph.D with.</p> <p>19 They go from bath to bath. The last bath is 20 rinsing. They go into a water tank, getting out of 21 there, might be in some nozzle with spray which spray 22 water on them, and then they are being put to the side 23 where the operator takes these plates with foils on, 24 puts them on a cloth, takes this hair dryer and with</p>
<p>1 help assist and organize the whole way through product.</p> <p>2 Q During your work as the head of industrial 3 engineering, did you have occasion to become familiar 4 with any cleaning processes?</p> <p>5 A No.</p> <p>6 Q So I take it then that the products you were 7 focusing on through the entire process -- the products 8 that you were focusing on were not cleaned at any point?</p> <p>9 A Let's put that way. If there was a shaver 10 product and the foil of the shaver product is being 11 manufactured here in Kronberg by special process and 12 once it has to be cleaned, but this is a normal ongoing 13 type of production.</p> <p>14 When we design a new shaver we have to look 15 after what they did years before, how to -- the cleaning 16 of the foils. This was state of the art and we could 17 just simply say, okay, you produce a shaver in Kronberg 18 and not in Japan or something like that. So we didn't 19 go into these details which has been established years 20 before.</p> <p>21 Q What was the state of the art for cleaning the 22 foils when -- at that time period?</p> <p>23 A As far as I remember simply rinsing by water 24 then there was a guy at the end standing with hair dryer</p>	<p style="text-align: right;">Page 26</p> <p>1 this cloth piece and sweeps over them, finished.</p> <p>2 Q So how did the -- taking a step back.</p> <p>3 How did the water get into the bath for rinsing 4 the foil?</p> <p>5 A Well, like every electrolyte there's operator 6 who does it.</p> <p>7 Q It was pumped into the bath in some way?</p> <p>8 A Water from the tap, take from the tap. Not 9 special type of water, just ordinary town water.</p> <p>10 Q So there would be a hose maybe with a spigot or 11 something that would spray?</p> <p>12 A Might be that. I assume it was more 13 sophisticated, pipe and --</p> <p>14 Q Sure. Would the foil be placed manually by 15 hand into the bath?</p> <p>16 A No, it was automatic. Over the different bath 17 there is an automatic device, robot arm which goes from 18 bath to bath and sinks the foils into the bath, and then 19 it goes back, picks another one to another bath and some 20 process.</p> <p>21 With one line about three automatic robot arms 22 which are controlled by a certain program that define 23 the bath where the specific foil plate has to be 24 positioned into.</p>

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<p>1 Q Earlier in the process where you have the 2 electrolyte bath, how was that electrolyte transported 3 to that -- those baths?</p> <p>4 A I didn't quite hear the question.</p> <p>5 Q It was kind of inarticulate.</p> <p>6 Part of the rinsing step there were electrolyte 7 baths, correct?</p> <p>8 A Yes.</p> <p>9 Q How was the fluid transported into the 10 electrolyte baths?</p> <p>11 A Don't ask me that specifically. I can't tell 12 you. Some operator. I haven't a clue.</p> <p>13 Q In this process that you're describing for me, 14 do you know how old that would have been when you were 15 -- in 1973?</p> <p>16 A You mean the full production process?</p> <p>17 Q Yes.</p> <p>18 A It was 6 tons it came. It was 6 ton S. It was 19 special type of Braun dry shaver. It went from punched 20 foils where they punched the holes into the 21 electrochemical process of producing foils. And this 22 was in -- prior to Americans bought us. Somewhere in 23 the -- I would say late '50s. I wasn't with the company 24 when that process came on stream.</p>	<p>Page 29</p> <p>1 Q Mr. Blum, Sr., B-L-U-M?</p> <p>2 A B-L-U-M-E. And afterwards his son. And I 3 think he is retired.</p> <p>4 Q So in 1976 you then went to live in Ireland, 5 correct?</p> <p>6 A Yes.</p> <p>7 Q And am I correct that your responsibilities 8 there were first for manufacturing cigarette lighters 9 and then also hair care products?</p> <p>10 A Correct.</p> <p>11 Q What type of hair --</p> <p>12 A And shaver foils.</p> <p>13 Q And shaver foils later on.</p> <p>14 A That's why I know the process.</p> <p>15 Q Did they have the same process --</p> <p>16 A Exactly one by one.</p> <p>17 Q In Ireland as well?</p> <p>18 A One by one.</p> <p>19 Q What type of hair care products did you work 20 on?</p> <p>21 A We started off with curling irons and then hair 22 dryers, handheld hair dryers.</p> <p>23 Q Were there any cleaning processes involved with 24 the curling irons that were manufactured -- that were</p>
<p>1 Q Do you know if there would have been any 2 documents which would describe the electrochemical 3 process for the shavers?</p> <p>4 A I'm sure there are some, and I'm sure they are 5 top secret or at least had been top secret because it 6 was at the time a unique process. By means of having 7 the flexibility or freedom to design any type of foils 8 Braun had an advantage as concerned the efficiency of 9 dry shaving, and, of course, they wanted to have that 10 process top secret for them. So nothing has been 11 published.</p> <p>12 Q At least as it pertains -- at least when you 13 left, you know where those documents that you think 14 existed would have been located?</p> <p>15 A Well, the -- there was a lab who was 16 responsible for the mixture of electrolytes, contents, 17 et cetera. I assume that they knew what did it and they 18 must have some documents there.</p> <p>19 Q That would have been here in Kronberg?</p> <p>20 A Yes.</p> <p>21 Q Do you know who -- this is quite some time ago, 22 but who would have worked in that area at the time?</p> <p>23 A Sure. It was first Mr. Blume, Sr. and then 24 Mr. Blume, Jr..</p>	<p>Page 30</p> <p>1 made?</p> <p>2 A No, nothing.</p> <p>3 Q So there wouldn't have been any process like 4 what was done for the shaving foils?</p> <p>5 A No. Apart from the lady at the end of the 6 conveyor line which cleaned it.</p> <p>7 Q Wiped it off for fingerprints?</p> <p>8 A Correct.</p> <p>9 Q Similarly for the hair dryers, were there any 10 cleaning processes?</p> <p>11 A No. Nothing necessary to do.</p> <p>12 Q Sure. What did you supervise in terms of 13 developing the hair dryers?</p> <p>14 A Basically nothing. It had been developed in 15 Kronberg, and my old department, engineering, industrial 16 engineering department transferred the product into the 17 plant in Ireland. What I had to supervise there what 18 these industrial engineers delivered to me was working 19 well.</p> <p>20 Q You were focusing on the manufacturing process?</p> <p>21 A Yes.</p> <p>22 Q In the manufacturing of the cigarette lighters, 23 would there have been any cleaning processes involved?</p> <p>24 A Yes. Had been -- what was it, at the time?</p>

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<p style="text-align: right;">Page 33</p> <p>1 I'm not 100 percent sure on it, but there had been a 2 cleaning process because of the fact if you mold the 3 tank in plastic you sometimes need to get the plastic 4 pieces off the core of the mold. You need lubricant to 5 remove that piece, and this lubricant has to be removed 6 off the piece because if then later on you fill the tank 7 with liquid gas it might have a reaction which might 8 have cracked the filter. 9 So -- but don't -- please -- it has to be -- 10 there was a cleaning process, but I'm not 100 percent 11 aware what it was like. It can only be ultrasonic, but 12 I'm not sure.</p> <p>13 Q Let me make sure I understand. 14 So essentially you would have a tool or work 15 piece that would have grease on it, lubricant would be 16 grease, in some way you would need to wash that grease 17 off so you could use the tool again?</p> <p>18 A Right. 19 Q Beyond that you don't remember how that grease 20 was washed off? 21 A No. 22 Q Aside from cigarette lighters, curling irons 23 hair dryers, shaver foils did you work on any other 24 products in Ireland?</p>	<p style="text-align: right;">Page 35</p> <p>1 Q Would that be done with a hair dryer as well? 2 A The cleaning? 3 Q Once the printed circuit board was rinsed, in 4 order to dry it off, would that be done with a hair 5 dryer or be done manually? 6 A It was done simply manually. 7 Q Beyond the products that we've discussed 8 already, was there any other products that you worked 9 with in Ireland? 10 A No. Sorry. I forgot something. We produced 11 cables, cords for shavers and personal care products. 12 Excuse me. 13 Q Your memory is very good. 14 A This was all. 15 Q So in 1981 you became head of the dry shaver 16 development department? 17 A Correct. 18 Q And that was in Kronberg? 19 A Here in Kronberg. 20 Q At least to start, at least at the beginning 21 what were your responsibilities as head of the dry 22 shaver development department? 23 A As it says, developing new shavers. 24 Q In addition to developing new shavers, did you</p>
<p style="text-align: right;">Page 34</p> <p>1 A Yes. We had to produce the brushes for 2 personal care products and for dry shavers, cleaning 3 brushes for dry shavers and there was another department 4 group who produce the printed circuit boards. 5 Q The brushes, were these brushes for just the 6 dry shavers or -- 7 A For dry shavers and for hair dryers and hair 8 curlers, hair stylers they were called. Round hair 9 dryers where you put a brush on which goes into the 10 hairs and takes them then you curl them and you blow hot 11 hair so you go reverse and you have it nice. 12 Q So the brushes for the curling irons and blow 13 dryers they weren't for any cleaning, they were actually 14 for your hair? 15 A Right, right. 16 Q And the other brushes were for -- 17 A For cleaning shavers. 18 Q For the printed circuit boards, was there any 19 cleaning processes involved with the printed circuit 20 boards? 21 A Yes. The cleaning process, again at the end of 22 the line automatic cleaning process where you rinse the 23 printed circuit board with water. And that's it. Then 24 the guys who sweeps the water off the -- rinse it.</p>	<p style="text-align: right;">Page 36</p> <p>1 also work on developing methods for cleaning the 2 shavers? 3 A No. 4 Q So during that -- well, at that time what 5 methods were available at Braun for cleaning shavers? 6 A What I know is that they produced and marketed 7 -- didn't produce it. They bought it and marketed or 8 sold a cleaning spray which had to spray on the 9 elements, the foil and cutter block, and then basically 10 to degrease these parts, then you run a brush through it 11 and then it was clean. Was written on the bottle. 12 Q This spray, would the spray have been aerosol 13 can? 14 A Yes. 15 Q It would have had -- The can would have had 16 fluid at the bottom of it and then tubes in order -- 17 A Never looked into the thing. 18 Q Okay. 19 A But I always spray. 20 Q Do you recall whether there would have been any 21 documents pertaining to this cleaning spray that was 22 sold at the time? 23 A No, I don't know of any documents, but I assume 24 there was -- surely something, specification for the</p>

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<p>1 producer of the stuff. Braun didn't produce itself. 2 They brought it in. 3 Q So it was a third party's product that was sold 4 by Braun? 5 A Yes. 6 Q At the time you became head of the dry shaver 7 department, did you know of any processes for cleaning 8 shavers that were under development? 9 A No. 10 Q During the period of '81 to 1993, did your 11 responsibilities change in any way? 12 A Put that way I don't know when it was. I got 13 on top of the thing, the development of hair products at 14 the time, when hair plucker became favorable, and they 15 made a good business in the marketplace and Braun wanted 16 to have also join the party to develop hair pluckers. 17 MR. PATTON: I can tell that reporter needs a 18 spelling. 19 THE WITNESS: Hair plucker. Depilator. 20 MR. SHIMOTA: Q Epilator. 21 A Just thinking about the timing. May I have a 22 look into my notes? I think I was until '95 in shaver 23 department then I moved to the research department, but 24 I wanted to verify that.</p>	<p style="text-align: right;">Page 37</p> <p>1 as time processed how were you able to remember what had 2 come before? 3 A Simply by my memory, but it was never necessary 4 to remember what I did when. 5 Q Did you ever receive memoranda or 6 correspondence from the individuals who worked under 7 you? 8 A No. 9 Q Well, in what way would individuals report to 10 you? 11 A I would say more or less I had an open office. 12 There was secretary, but the secretary could never, ever 13 stop people going into my office, that was her order. 14 And the office was free every time someone wanted to 15 talk to me they had the rights to come in. And I would 16 say every third day I was sitting together with my 17 direct reporting managers and we discussed subjects, 18 problems, new ideas, whatever, but was very open type of 19 corporation with them. By the way, I wasn't only 20 sitting in my office. I was walking around my 21 department, yes, so I was aware what my people did. 22 Q When you were having -- who were your -- if it 23 changed over time, please tell me, but who were or who 24 was your supervisor when you were head of the dry</p>
<p>1 Q I do have documents. I do believe that's 2 correct. 3 A Might be mixed up a little bit on timing. 4 Q That seems about right. Let me ask a few 5 questions and we'll get to that. 6 During the course of your -- let's focus on the 7 period from '81 to '95 when you were head of the dry 8 shaver development department. What documents did you 9 generally maintain as part of your work 10 responsibilities? 11 A Nothing. Only the drawings that the guy 12 produces, but I don't retain them myself. 13 Q Did you maintain or did you keep a laboratory 14 notebook? 15 A No. 16 Q Did you ever keep notes or personal notes 17 regarding your work? 18 A No. 19 Q Did you keep a journal of any sort? 20 A No. 21 Q Did you have any method for keeping records of 22 what you had done from day-to-day? 23 A There was no need. The output was important. 24 Q Well, how -- how were you able to remember --</p>	<p style="text-align: right;">Page 38</p> <p>1 shaving development department? 2 A It was a guy called Dr. Hexner. 3 Q Do you recall Dr. Hexner's title? 4 A Well, he was Ph.D. I don't know -- what's your 5 military academy in America. 6 Q Do you -- let me try to ask the question. 7 A The famous one. 8 Q West Point? 9 A West Point. 10 Q What was his position at Braun? 11 A He was in charge of research and development of 12 all Braun products. He was head of the R & D. I was 13 head of R & D shavers. 14 Q When you would have meetings with Mr. Hexner, 15 did anyone keep records of those meetings? 16 A Never. 17 Q Were you ever involved in meetings during that 18 period where someone would take notes regarding the 19 meeting, keep meeting minutes? 20 A (Shaking head). 21 Q During the time you worked at Braun, did you 22 ever have access to e-mail? 23 A Only last days of my living here. I was forced 24 to have a computer on my desk to receive e-mails.</p>

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<p>1 Q Would that have been in the last, like, 1997 to 2 '98 or what period of time? 3 A I would say last five months of my being here, 4 so in '99. 5 MR. PATTON: '98? 6 THE WITNESS: Yes, '98. 7 MR. SHIMOTA: Q Did you maintain any personal files 8 in your office? 9 A No. Apart from the reports, the PPM, program 10 management, they are controlling the activities between 11 R & D, engineering, production and they are reporting -- 12 did report on annual -- on monthly basis and these 13 reports I filed in my office. 14 Q Is it called PPM reports? 15 A PPM reports. Later on MPR, monthly product 16 reports, yes. 17 Q You kept files of those documents? 18 A Yes. 19 Q Did you have any other -- did you keep any 20 other paper records? 21 A I have in my office per project a little file 22 where I put anything in which was linked to a specific 23 project, but basically I was not a type who was -- type 24 who was writing everything down. I had an open and was</p>	<p style="text-align: right;">Page 41</p> <p>1 I explain it to you? 2 It was an undercover project. It was not 3 official one. I did it basically on my hobby type of 4 thing, and there was no meetings about the shaver 5 cleaner or shaving cleaning center, official meeting in 6 any offices or conference rooms. It was my personal 7 type of hobby. 8 Q You make a distinction there would have been 9 official projects and then the shaver cleaning system 10 would have been, I guess, an unofficial project? 11 A It was unofficial project. 12 Q I take it at that time -- who at that time 13 would have been aware -- let me strike that. 14 When you were working on the shaver cleaning 15 system at least in the initial stages, who would have 16 been aware of your work? 17 A The people in Leon because, the R & D group 18 because they had to work on the thing for me. And in 19 Kronberg at the beginning nobody. 20 Q Who in Leon -- to your knowledge who in Leon 21 would have been aware of the shaver cleaning work that 22 you were doing? 23 A All of them in Leon. 24 Q How many employees were in Leon?</p>
<p>1 quite flexible with the idea of being creative type of 2 management. I have the feeling that if you force people 3 to make every bit and pieces of report you kill 4 creativity and this you cannot even have department you 5 should develop new ideas. 6 Q Did you have any policy regarding discarding 7 documents? Let me try to rephrase. 8 Did you from time to time throw documents away 9 in your office? 10 A When the projects were, let's say, three years 11 old or three years old -- I mean three years in 12 production, from time to time you run through your 13 files, say, okay, getting a little bit narrow in the 14 desk, okay, throw it away. 15 Q Did you maintain a file pertaining to the 16 shaver cleaning system that you worked on? 17 A No, I'm not aware of. 18 Q Well, in your office would you have had any 19 documents relating to the shaver cleaning system to your 20 recollection? 21 A No. 22 Q I'm also -- when I say any documents I'm 23 including schematics, drawings. 24 A I'm aware of none. Because this was -- how can</p>	<p style="text-align: right;">Page 42</p> <p>1 A At that time there were 7 to 8. I'm not 100 2 percent. 3 Q 70 to 80? 4 A 7 to 8 people. 5 Q Can you recall the names of these -- any of the 6 names of the 7 to 8 people? 7 A Well, of course, there were these three 8 freelancers, old men which had been retired and then 9 been hired or engaged by the owner of Silk Epil prior to 10 Braun bought the company. This was a Mr. Gabion, 11 G-A-B-I-O-N. George is what his pre name. Mr. Cleyet, 12 C-L-E-Y-E-T. Who was the third one? Later on -- leave 13 little blank there, I give you name. 14 They were the freelancers who worked for me on 15 lump sum type payment. Then there were employed people, 16 a secretary, a model maker, a designer, draftsman -- 17 draftsman. And lab man or guy who could run tests. 18 These were altogether 7 people that were there. 19 Jay -- third man is Loger, L-O-G-E-R. 20 Mr. Loger died. Mr. Cleyet has, I think, Parkinson. 21 The only guy who is still there is in Gabion. 22 Q He is -- 23 A He's not there. He is still alive. You could 24 talk with him if you want.</p>

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<p>1 Q I understand. Out of these individuals in 2 Leon, did any of them assist you in your work on the 3 shaver cleaning system?</p> <p>4 A No. What do you mean any of them? Apart from 5 them.</p> <p>6 Q Well, no among that group of people, did any -- 7 did anyone among that group that you have mentioned 8 assist you in your work on the shaver cleaning system?</p> <p>9 A They all assisted me in the way I gave them the 10 target, I told them what I wanted them to make. And 11 they make the drawings based on my information and based 12 on the parts which I delivered to them such as 13 electronic parts, such as motors, fan wheels, et cetera. 14 And then they make the drawings or sketches or whatever 15 I did and build the prototype or function of what I 16 built and may make test with it and try to find out -- 17 whether the thing works.</p> <p>18 Q What tests would they have performed?</p> <p>19 A Each of them I gave them dry shavers and they 20 have to shave for three days and then clean them with 21 the machine. I put them upside down in the bath there 22 or cradle or whatever you call it, put the liquid into 23 the function models, switch the pump on, switch the 24 shaver on. Redone in the first instance because</p>	<p style="text-align: right;">Page 45</p> <p>1 Would have been prior to November of '92 at least? 2 A Yes. 3 Sorry may I get myself cup of tea? 4 MR. SHIMOTA: Sure. Would you like to take a break? 5 MR. PATTON: Q One thing I forgot to mention in my 6 opening speech, any time you want a break, just ask me. 7 THE VIDEOGRAPHER: We are going off the videotape of 8 tape number 1 at 10:59 a.m. 9 (Off the record) 10 THE VIDEOGRAPHER: We are going back on the video 11 record at 11:10 a.m. Here continues tape 1. 12 MR. SHIMOTA: Q Welcome back. 13 You mentioned the three individuals, 14 Mr. Gabion, Cleyet and Loger as freelancers. Can you 15 explain what you meant by freelancers? 16 A These people got paid on the following basis. 17 This has been installed by the former owner of the 18 company. They got paid a certain amount, a lump sum, 19 when they -- when they developed the prototype, a 20 functional model. They got the -- the next stage they 21 got when the tests were sufficient or good enough to go 22 into the next page of development phase, to go into 23 production. And they got the third stake when they -- 24 when the production started off.</p>
<p>1 electronic wasn't ready, try to find out whether the 2 shaver was clean at the end and where the debris was, 3 the filter and in the tank.</p> <p>4 Q Would the employees have recorded the results 5 of those tests?</p> <p>6 A No. Every second or third week I went over to 7 Leon then we checked the results, say it's fine, filter 8 dirty or didn't work, whatever. That's normally that 9 was perfect so there was no recording.</p> <p>10 Q Who designed -- in Leon who designed the 11 electronic circuitry?</p> <p>12 A Nobody. Electronic circuitry had been 13 developed in Braun by Mr. Cimbal, my lab guy, electronic 14 development lab guy. I told him what I wanted, cycles, 15 and he designed it.</p> <p>16 Q Do you recall when you would have asked 17 Mr. Cimbal to design the electronic circuitry?</p> <p>18 A No. I have to calculate, but would be not 19 accurate date.</p> <p>20 Q Just -- you mentioned the presentation that you 21 found. Would it have been before or after your 22 presentation?</p> <p>23 A Before the presentation.</p> <p>24 Q So would have been -- we've got the document.</p>	<p style="text-align: right;">Page 46</p> <p>1 And prior to Braun buying the company Silk Epil 2 they got also 7 francs 50 per appliance, per epilator 3 being sold in France. 4 So when I took over that department I paid them 5 on the following basis like the same as we stated in 6 three stages, and they got paid for any idea which came 7 to patent, and again with three stages. 8 First of all, stage one when -- when I me 9 because I was the only guy in charge of them when I said 10 this is a patentable idea. And, of course, I checked 11 prior to that with Braun patent department here in 12 Kronberg. 13 Second stage they got -- stake they got when 14 the patent has been filed -- not filed, has been -- 15 filed. Third stage they got when the patent was 16 granted. They were not employed by Braun or by me, but 17 simply working on that type of payment. 18 Q Who were they employed by? 19 A By nobody. That's why I called freelancer. 20 Q When they got the checks, the lump sum check 21 who would the money have been coming from, would it have 22 been coming from Braun? 23 A From Braun. 24 Q Did these individuals perform any work on your</p>

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<p>1 shaver cleaning system?</p> <p>2 A Yes, all.</p> <p>3 Q All of them did?</p> <p>4 A Let's put that way, two of them, Gabion and</p> <p>5 Loger were the head of the department and they worked</p> <p>6 part-time which means when Gabion was three weeks in</p> <p>7 Cote d'Azur in the summer house, Loger took over. And</p> <p>8 when Gabion came back they had one week overlapping and</p> <p>9 then Loger went to his house at the Cote d'Azur. Great</p> <p>10 life.</p> <p>11 And Cleyet was always there. And Cleyet was</p> <p>12 the guy who made the drawings for everything with --</p> <p>13 together with his draftsman.</p> <p>14 Q What did Gabion do with respect to the shaver</p> <p>15 cleaning system?</p> <p>16 A First of all, he took the order from me with</p> <p>17 his customer what I wanted because it was all three of</p> <p>18 them. I explained to them the project because they</p> <p>19 hadn't a clue about dry shaver. They were only linked</p> <p>20 to epilators. That was their whole linking. I had to</p> <p>21 convert them to the job of designing for me the</p> <p>22 specifications that cleaning center, dry shaver cleaning</p> <p>23 appliance. When they listened they got bits and pieces</p> <p>24 I collected for them, I mentioned, motors, shavers and</p>	<p>Page 49</p> <p>1 filter, and then back into the shaver head. And after</p> <p>2 the process of cleaning a pumping liquid in the shaver</p> <p>3 rattle was finished, wait a certain time so that liquid</p> <p>4 has been drained out of the cradle then switch on</p> <p>5 ventilator for drying. That was it.</p> <p>6 Q Did any of the three gentlemen do anything to</p> <p>7 increase the development of the shaver cleaning system?</p> <p>8 A No. Of course -- let's put that way. At the</p> <p>9 beginning the appliance which we had, and again it was</p> <p>10 due to my information and instruction, there was</p> <p>11 electric parts on and liquids and the liquid was</p> <p>12 alcohol. For safety reason I wanted all electric parts</p> <p>13 and electronics, the motors, being separated from the</p> <p>14 tank where the liquid was in. And I told them make sure</p> <p>15 that no -- the preparation of the alcohol comes into the</p> <p>16 electronic cabinet, electronic area because I was afraid</p> <p>17 of explosions.</p> <p>18 And, of course, what they designed was a good</p> <p>19 sealing around the thing. At the beginning there was</p> <p>20 the tank part and the cover was electronics which you</p> <p>21 could tilt, and they was sealed against each other for</p> <p>22 safety purposes. They would design the sealing around</p> <p>23 the thing.</p> <p>24 Q So that -- the seal that that came from the</p>
<p>1 et cetera. And while they more or less said to Cleyet,</p> <p>2 come on, you make a nice drawing for them, that all</p> <p>3 fits. They supervised them in a way they do it smaller</p> <p>4 here and they could possibly, let's say, take another</p> <p>5 sealing or something like that.</p> <p>6 And I wasn't present when they designed the</p> <p>7 thing. How they incorporated I only know from what they</p> <p>8 did with epilators and partially only what they did with</p> <p>9 cleaning center there. But normal procedure was the</p> <p>10 Loger and Gabion, they were the supervisor, Cleyet was</p> <p>11 the worker.</p> <p>12 Q Okay. Is it correct that you told these three</p> <p>13 gentlemen your idea, in general, and then they over a</p> <p>14 period of time implemented that idea?</p> <p>15 A No, it was not so. I told them my idea in</p> <p>16 general and I told them the specifics of the thing,</p> <p>17 i.e., that the shaver has to be upside down, that have</p> <p>18 to be element, motion basin, call it cradle around the</p> <p>19 shaver head as narrow as possible so that the shaver</p> <p>20 head fits somewhat tightly in with a little gap of</p> <p>21 course that the liquid can flow.</p> <p>22 I told them to develop a pump, a pump which is</p> <p>23 common thing. And from the shaver head take the dirty</p> <p>24 liquid into a tank, from there we suck by pump, press to</p>	<p>Page 50</p> <p>1 three gentlemen, Gabion, Cleyet, Loger?</p> <p>2 A It was some sort of rubber piece, nothing</p> <p>3 specific.</p> <p>4 Q Did any of the three gentlemen do anything else</p> <p>5 to improve upon your original idea?</p> <p>6 A No.</p> <p>7 Q Do you know how many of the cleaning systems</p> <p>8 that they made?</p> <p>9 A Three that I told you.</p> <p>10 Q They made three? You used -- I think you've</p> <p>11 used the term prototype and functional models.</p> <p>12 A Yes. As I mentioned prior they were basically</p> <p>13 all similar apart from the prototype which was nicely</p> <p>14 designed for presentation purposes, but the elements in</p> <p>15 there were identical. And the process and everything</p> <p>16 was totally identical only nicer housing for</p> <p>17 presentation purposes. That's what I call prototype.</p> <p>18 Our designer here in Braun did aesthetics then it's</p> <p>19 prototype, but he was not at this time involved in that</p> <p>20 business so --</p> <p>21 Q So would there have been three prototypes then?</p> <p>22 A Yes.</p> <p>23 Q Do you recall how many functional models there</p> <p>24 would have been?</p>

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<p>1 A Sorry. We are mixing up.</p> <p>2 Q I want to make sure we're using the terms</p> <p>3 properly.</p> <p>4 A There was three -- three appliances. Two were</p> <p>5 coarse ones translucent housing that you could see how</p> <p>6 the process was working, call them functional models.</p> <p>7 Third one was internally the same, but it has a white</p> <p>8 housing with round edges which looked a little nicer</p> <p>9 than the coarse ones. Third one I called prototype. It</p> <p>10 is not 100 percent correct in the finish of Braun.</p> <p>11 Q Who made the prototype? Would Cleyet or</p> <p>12 Gabion, Cleyet, Loger have made the prototype?</p> <p>13 A It was a copy of the other two, and somebody,</p> <p>14 one of these three, I don't know who, made it nicer from</p> <p>15 outside. I told them we want to have presentable item.</p> <p>16 I don't know who did the design on that.</p> <p>17 Q That's -- just to be sure that's -- we are</p> <p>18 talking about the device with white housing and round</p> <p>19 edges?</p> <p>20 A Right.</p> <p>21 Q Why did you want to have a -- I think you</p> <p>22 wanted to have something that was presentable. Why did</p> <p>23 you want to have something presentable?</p> <p>24 A To present it finally when the whole machine</p>	<p>Page 53</p> <p>1 promise of Braun dry shavers.</p> <p>2 Q Would you say that again? I'm sorry.</p> <p>3 A If you come into the marketplace with a</p> <p>4 cleaning device he felt it would emphasize or put</p> <p>5 emphasis on the fact that Braun has a cleaning problem</p> <p>6 in dry shavers. He would not stress that point by</p> <p>7 selling cleaning equipment. You understand this?</p> <p>8 Q No. I understand.</p> <p>9 A Quite a marketing argument. Of course the</p> <p>10 other reason it's too expensive.</p> <p>11 Q Why did he think it was too expensive?</p> <p>12 A Well, I estimated the costs at the time, direct</p> <p>13 costs to some 25 Deutsch marks, whatever is in Euros I</p> <p>14 don't know, but 12 Euros, something dollars, plus the</p> <p>15 liquid.</p> <p>16 And I told him, look, you should sell the</p> <p>17 appliance for direct cost, not with your normal margin</p> <p>18 of X percent on top of it. Simply give it to the</p> <p>19 consumer with your direct cost and make money with the</p> <p>20 liquid when you sell the liquid as refill. There you</p> <p>21 can make money.</p> <p>22 Q You told him -- let me see if I got you. You</p> <p>23 expressed to him there would have an aftermarket for the</p> <p>24 cleaning liquid?</p>
<p>Page 54</p> <p>1 works, to present it to the people in Braun. And when I</p> <p>2 talk people, first thing I have to go to is the business</p> <p>3 director to get his agreement on the thing.</p> <p>4 Q Who was the business director of Braun?</p> <p>5 A Certain name Gilbert Greaves, GG.</p> <p>6 Q Do you recall when you would have presented it</p> <p>7 to Gilbert Greaves?</p> <p>8 A No, I can't tell you.</p> <p>9 Q Would it have been before or after the</p> <p>10 presentation?</p> <p>11 A After.</p> <p>12 Q Did you tell Mr. Greaves this was something you</p> <p>13 had been working on in Leon, France?</p> <p>14 A Sure.</p> <p>15 Q What did Mr. Greaves say to you about your</p> <p>16 prototype?</p> <p>17 A He wasn't too enthusiastic about it to name it</p> <p>18 politely.</p> <p>19 Q Did he give you any reasons why he wasn't</p> <p>20 enthusiastic about it?</p> <p>21 A Yeah. He said that -- he wouldn't like to hand</p> <p>22 this to our client, dry shaver users, that there's a</p> <p>23 problem cleaning the dry shaver. He didn't like to put</p> <p>24 them by means of that appliance with their nose on the</p>	<p>Page 56</p> <p>1 A That's exactly it.</p> <p>2 Q At that time did you envision selling the</p> <p>3 cleaning liquid in a cartridge for the cleaning device?</p> <p>4 A At that time not. Basically refill bottle.</p> <p>5 Q You would pour the liquid into the device?</p> <p>6 A Yes.</p> <p>7 Q Did Mr. Greaves say anything -- did Mr. Greaves</p> <p>8 express anything to you about your idea regarding the</p> <p>9 aftermarket for cleaning liquid?</p> <p>10 A Yes. I should keep out of his business.</p> <p>11 Q Did he say basically you're not a business</p> <p>12 person?</p> <p>13 A Correct. I'm stupid engineer.</p> <p>14 Q Did he provide any reasons to you that he was</p> <p>15 not enthusiastic about the cleaning device aside from</p> <p>16 what we've discussed?</p> <p>17 A No, that was it, that.</p> <p>18 Q Did he tell you to stop working on the cleaning</p> <p>19 device?</p> <p>20 A No, he couldn't because I was self --</p> <p>21 independent there and I could do what I want in Leon.</p> <p>22 Q Once you -- when you had -- aside from</p> <p>23 Mr. Greaves, did you present the prototype to any other</p> <p>24 individuals?</p>

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<p style="text-align: right;">Page 57</p> <p>1 A Sure. After that I went to the boss. 2 Q Who -- that was Mr. Hexner? 3 A No. It was Jacquac LaGarde. It was the boss 4 of Braun, and I gave that thing to him and ask him to 5 test it for me. 6 Q Would you please -- is it Jacquac? 7 A Jacquac, J-A-C-Q-U-A-C. LaGarde, L-A, capital 8 G-R -- A-R-D-E. 9 Q Did Mr. LaGarde test your device? 10 A He did. 11 Q Do you recall the results of this test? 12 A Yes. He came back after two weeks and said 13 that his wife said the thing is too big, the thing is 14 too loud and the thing stinks. I said, okay, fine. 15 Q So it was too large -- 16 A Too large, too loud, to noisy and too stinky. 17 Q Why -- did you know why it was too loud? 18 A Well, it was two things. First of all, the dry 19 shaver all that was positioned on rubber cushions was in 20 that cradle. When you switch it on makes the whole 21 appliance rattle, and because it was hand made type of 22 thing there were loose joints and this creates noise, of 23 course. 24 Q In the cradle there were I guess little rubber</p>	<p style="text-align: right;">Page 59</p> <p>1 talking about different structures. 2 Do you know why there was a problem with the 3 smell of your cleaning system? 4 A Yes, because of -- well, it was alcohol and I 5 put some aroma -- 6 THE INTERPRETER: Aromatic additives. 7 A But the smell we never pick exactly the taste 8 of Mr. LaGarde's woman or wife so she felt it was too 9 stinky. 10 MR. SHIMOTA: Q Did Mr. LaGarde tell you to stop 11 working on the shaver cleaning system? 12 A No. When he mentioned that to me I ask him, if 13 I eliminate all these three problems, what do you think 14 about it. And he gave me order to continue with the 15 thing. He felt it was good. 16 Q Did you tell Mr. LaGarde, Mr. Greaves' feelings 17 regarding the cleaning shaver system? 18 A Yes, sure. 19 Q And did he say anything about Mr. Greaves' 20 thoughts on the system? 21 A No. He cannot. He didn't tell me anything. 22 Q Did you make a formal presentation to 23 Mr. LaGarde? 24 A No. I took the stuff under my arm, went to</p>
<p style="text-align: right;">Page 58</p> <p>1 cushions and that was what -- 2 A Yes, to absorb the shaking of the shaver but 3 still it had been transferred by means of the push 4 button on top, the clamps which we had at the time was 5 in the housing of the cleaning center and this acts like 6 loud speaker, of course. 7 Q I understand. When you say the clamps, what 8 are you referring to? 9 A You have to hold the shaver into position, you 10 know, we had -- I don't know how the device was like -- 11 I'm not entirely sure, but held up there where the cable 12 comes in. We have to maintain it in position or keep it 13 into position. And the operation of the shaver is there 14 for our shaving system, and, consequently, it 15 transferred into the housing of the cleaning center and 16 then created noise. 17 Q And does -- this mechanism you're discussing 18 that's something different than the cradle, is that 19 right? 20 A Yes. Which mechanism on top of that? 21 Q Yes. On top where you're holding the shaver. 22 A Yes, that was different than the rubber 23 cushions in the cradle. 24 Q That's right. I just want to make sure we're</p>	<p style="text-align: right;">Page 60</p> <p>1 him. 2 Q Did you present the prototype to anyone else 3 aside from Mr. Greaves and Mr. LaGarde? 4 A No. After that when I got the go ahead with 5 him, of course, I bring it to Mr. Braun. 6 Q So you had shown the prototype to Mr. Greaves 7 and Mr. LaGarde prior to showing it to Mr. Braun? 8 A Yes. 9 Q And did you tell Mr. LaGarde that you had 10 developed your prototype while working in Leon, France? 11 A Sure. 12 Q The Leon facility came to be closed at some 13 point, correct? 14 A Correct. 15 Q Were you there for the closing of the facility? 16 A Yes. I had the party to arrange, and it was a 17 good one. 18 Q Were there any documents at Leon at the time 19 that it was closed? 20 A There were documents all these documents, 21 drawing, et cetera, had been transferred to the Silk 22 Epil plant in south of France near Toulon. 23 Q Could you -- what plant would you spell that 24 for me?</p>

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<p>1 A I have to explain to you. The company which 2 Braun bought was originally a French company and it was 3 named Silk Epil. Silk like silk, epil like epilator. 4 Q Right out front. 5 The documents were transferred? 6 A To that plant, yes. 7 Q Why were they transferred to that plant? 8 A Where else should we take them? Because it's 9 more or less technical drawings where the plant has to 10 look into when they have problems. So they need 11 documents. 12 Q Did the 7 to 8 people that were employed at the 13 Leon facility then go to work at the plant in the south 14 of France? 15 A Only one, the draftsman. He worked there for 16 I'd say half a year then he got another job, didn't feel 17 too well down there and the lab guy also went down and 18 he's still there. 19 Q These documents, the documents that were at the 20 Leon facility were transferred to the south of France. 21 I assume that this facility -- To the extent you know, 22 is this facility in the south of France still owned by 23 Braun? 24 A No. It's closed.</p>	<p style="text-align: right;">Page 61</p> <p>1 reports in your office. Would any of the PPM reports or 2 MPR reports have had -- would any of the PPM reports or 3 MPR reports discussed anything relating to your shaver 4 cleaning system? 5 A Not at all because it was not an official 6 project, consequently the guys didn't have to report on 7 that. Later on when it became an official project which 8 is now in the marketplace, of course, there might be 9 some. At this time there wasn't there. 10 Q When did the shaver cleaning system become an 11 official project? 12 A I don't remember the exact date or the exact 13 year, but I certainly was in the research department 14 when it became official project. 15 Q It was an official project while you were at 16 Braun, is that correct? 17 A It was not an official project as long as I was 18 head of the development department in Braun. Then 19 when -- after that I transferred to research department 20 and while being there it became an official project. 21 Q So at some point between 1995 and 1998 it 22 became an official project? 23 A Yes. 24 Q Was there any way in which Braun would mark the</p>
<p>1 Q When was that facility closed? 2 A End of last year. 3 Q How do you know that? 4 A I'm obviously in contact with the guys. I was 5 the boss there. Actually I was with the farewell party 6 or closing party. 7 Q You were at the closing party for -- 8 A It was a birthday party for the 35th million 9 epilator they produced, and two months later they 10 closed. So it was in the same time same thing, closing 11 and anniversary. 12 Q Do you have any knowledge to what happened to 13 the documents in the south of France when they closed? 14 A No. 15 Q Over the period when you've kept in contact 16 with at least certain people that you've worked with in 17 Leon originally following the closing of that facility, 18 did you ever speak with them again about your shaver 19 cleaning system? 20 A No, I don't think so. 21 Q I assume this is same or similar question. Did 22 they ever ask you about the shaver cleaning system? 23 A No. 24 Q You mentioned also you would have had PPM</p>	<p style="text-align: right;">Page 62</p> <p>1 beginning of an official project? 2 A Sorry. I didn't get your question. 3 Q Would there have been any documentation that 4 Braun would issue when an official project would begin? 5 A I would assume the first MPR report. 6 Q So for an official project there would be 7 monthly MPR reports? 8 A Yes. 9 Q What would be the form of the MPR reports? 10 A Well, my time it was an overhead chart which 11 had been read by the program project manager. I think 12 nowadays it's different. Beam or something like that. 13 Q What information would be contained in general 14 in the MPR reports? 15 A Well, first of all, the name of the thing then 16 the direct costs, the investments, the quantities they 17 plan to produce it, then the ongoing status of the art, 18 in what phase it is, what the problems are and when the 19 problems will be solved and that the problems have been 20 solved. 21 Q Can you think of a -- during your time at least 22 at Braun, can you think of any other documents which 23 would be associated with an official project? 24 A For every project is one.</p>

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<p>1 Q Well beyond -- let me see beyond MPR reports.</p> <p>2 A I'm not aware of the internal documentation,</p> <p>3 internal department what people report there. I don't</p> <p>4 know. From my department I can speak. Development</p> <p>5 department there were none of any reports because, as I</p> <p>6 mentioned to you, I hate writing stuff and keeping</p> <p>7 people off work.</p> <p>8 Q I understand. When you left in 1998, what did</p> <p>9 you do with whatever documents you had in your personal</p> <p>10 files?</p> <p>11 A The documents in my desk in my office they had</p> <p>12 been one-to-one transferred to my successor.</p> <p>13 Q Who was your successor?</p> <p>14 A It was a little bit difficult to explain to</p> <p>15 you. Let's put that way. I had on -- when I went to</p> <p>16 research department I was not reporting to the director</p> <p>17 of research, I was reporting to Mr. Hexner, director of</p> <p>18 R & D. And when I left the department has been taken</p> <p>19 over by the director of research, and he put in another</p> <p>20 guy on my -- into my office let's put that way. So my</p> <p>21 job has been filled up with two people basically.</p> <p>22 Q So did you split your documents --</p> <p>23 A No, no. I left them in my desk and disappeared</p> <p>24 after the party.</p>	<p>Page 65</p> <p>1 patent, which I wasn't aware of. And they explain it to</p> <p>2 me. And then they wanted to know what was the real</p> <p>3 story behind that cleaning machine. I told them the</p> <p>4 story. And from there they made this declaration, sent</p> <p>5 it to me, I looked it -- corrected it, editing which was</p> <p>6 necessary to add and so on, so forth, send it back to</p> <p>7 Braun. They type it newly, control it, checked whether</p> <p>8 it was correct, and everything was in, then I signed it.</p> <p>9 Q So you received an original draft of the</p> <p>10 declaration which you edited by hand, is that correct?</p> <p>11 A I think by telephone. I called such and such</p> <p>12 or to correct such and such.</p> <p>13 Q You called someone and told them, for example,</p> <p>14 correct paragraph 1 as such?</p> <p>15 A It's faster than with the mail.</p> <p>16 Q I understand. Do you still have the original</p> <p>17 declaration?</p> <p>18 A No, I have no secretary at home.</p> <p>19 Q What did you do with the original declaration?</p> <p>20 A The original I signed.</p> <p>21 Q No. They provided you a declaration first?</p> <p>22 A This is gone down the drain.</p> <p>23 Q You destroyed it?</p> <p>24 A Sure. Tore in bits and pieces then --</p>
<p>1 Q Who was the gentleman who stepped into your</p> <p>2 office?</p> <p>3 A This was -- a doctor and I don't know his name.</p> <p>4 Might come up later on. But he's -- a funny name.</p> <p>5 Q To the best of your knowledge when you left</p> <p>6 after the party, what documents you had would have been</p> <p>7 left in your office?</p> <p>8 A All of my documents, but it wasn't too much.</p> <p>9 Q Aside from maybe your personal effects, you</p> <p>10 didn't take any of your work home with you?</p> <p>11 A No, I left everything. Even if they brought me</p> <p>12 functional models, everything in there.</p> <p>13 Q You didn't take any prototypes or any</p> <p>14 functional -- you don't have any of those at your</p> <p>15 residence either?</p> <p>16 A No.</p> <p>17 Q I'd like to hand the witness what has</p> <p>18 previously been marked Defendant's Exhibit 1, the</p> <p>19 declaration of Dietrich Pahl.</p> <p>20 How did you come to prepare this declaration?</p> <p>21 A Well, someone was called by Braun the Patent</p> <p>22 Office there was a problem whether I could come into the</p> <p>23 office. So I came to Braun and I learned that there is</p> <p>24 any legal problem in mentioning inventors on a U.S.</p>	<p>Page 66</p> <p>1 Q Threw it away.</p> <p>2 A I understand.</p> <p>3 Q When did you first speak with Braun's lawyers</p> <p>4 about the problem?</p> <p>5 A Can you tell me? A year ago or something,</p> <p>6 three-quarter year ago or something. I have no idea.</p> <p>7 Q You keep a calendar?</p> <p>8 A Yes.</p> <p>9 Q Do you have marked down on your calendar when</p> <p>10 you would have spoken with Braun?</p> <p>11 A I assume, but I haven't got the calendar with</p> <p>12 me. It's last years.</p> <p>13 Q Would you be willing to provide that calendar</p> <p>14 to me?</p> <p>15 A Yeah. Calendar, no, my private thing.</p> <p>16 MR. PATTON: If you're interested in the date I</p> <p>17 think we can certainly find out the date and tell you.</p> <p>18 THE WITNESS: I can give you date, but I cannot give</p> <p>19 you the calendar.</p> <p>20 MR. PATTON: We can tell you when that is.</p> <p>21 MR. SHIMOTA: Q In your calendar did you take any</p> <p>22 notes regarding your discussions with Braun's lawyers?</p> <p>23 A No. Just written certain date, it's the clock,</p> <p>24 go to Braun.</p>

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<p>1 Q Do you remember what changes you asked to be 2 made to -- 3 A No. I think it was not basic changes, only 4 wordings or some things like that, but not basic 5 changes. 6 Q Nothing -- do you know the term substantive? 7 A Right. 8 Q If you could turn to paragraph 5. It states 9 there, I began working on the device by mid 1992 at 10 Braun or research facility in Leon, France. 11 Do you know when you first began working on the 12 device? 13 A No, I cannot tell you. 14 Q Would it have been prior to 1992? 15 A No, wouldn't say prior. Point was that these 16 people in Leon worked specially on epilators, and then 17 when lack of ideas started, had no more jobs for them to 18 do and I thought what can I do with these people there. 19 And then I recall that the idea about doing -- designing 20 machine to clean shavers. 21 So I remember I was on a plane back from Leon 22 to Frankfurt that I made my sketches that -- that job I 23 can go give to them, you know. And then the next 24 meeting was I had all my bits and pieces together which</p>	<p style="text-align: right;">Page 69</p> <p>1 And so I looked into the thing and found out 2 that it was not too hygienic. In other words, if you 3 think of debris which is not only hair stubble, but also 4 skin particles which are greasy and they stick somewhere 5 in any corners, gaps in a chamber in the head of a 6 shaver, and you want to wash it, you're not 100 percent 7 sure that you get every bits and pieces out. 8 And what happens is they stay in the nice warm 9 and humid client in the bathroom they start stinking 10 rather soon by the way. So I looked into the thing and 11 found out and presented it also to Mr. Greaves that 12 this is not the right way to do because here are the 13 proofs that there are bacteria and everything you got, 14 yeah. We have to design a better shaver head so there 15 are no corners so it's washable, so on, so forth. 16 There was another point, a general thing which 17 I learned from my boss Hexner, don't copy leap frog 18 competition. So from time to time when I had time I was 19 thinking what I can do leap frogging. I cannot put a 20 date when they said try with alcohol, which is good 21 thing to dissolve grease, take the action of the motor 22 which is installed in a dry shaver, try to combine it 23 and see what happens. From there the idea has been 24 developed.</p>
<p>1 I needed for prototyping and I gave them the 2 instruction, what they should do for me. But I cannot 3 put a month on it. But it was not in '91. It was 4 shortly after they had nothing to do. And I have to 5 think what can I -- what job can I give to the people 6 there because I needed them for the projects which were 7 in the due course epilator projects, which were in the 8 due course to get into production. So I couldn't close 9 the office at the time because I need their knowledge, 10 but I have to give them some work to do and money of 11 course, money they were being paid on lump sum basis to 12 link to a target. 13 Q Do you recall what basically prompted you to 14 come up with the idea for working on the shaver cleaning 15 system? 16 A What means prompted? 17 Let's put this way, if you have dry shaver, if 18 you shaver dryly, let's say, at least for me, I don't 19 like cleaning. I don't like what I call -- not hygienic 20 filling with all the dirt in the thing. And this was 21 always thinking what can one improve, but never worked 22 on the thing. And what happens, of course, management 23 ask me when National came up with wet and dry shaver 24 that they ask me, hey, you design washable shaver.</p>	<p style="text-align: right;">Page 70</p> <p>1 It was not one thing, one goal. It was growing 2 over time. When I had time to think of it I did so. 3 Q Do you -- so Mr. Greaves at one point told you 4 to -- Mr. Greaves at one point expressed to you that 5 Braun would like to have something to compete with 6 National's shaver? 7 A Yes. 8 Q Do you recall when that would have been? 9 A No. I would say shortly after the National 10 shaver appeared in the market. If you know business 11 management that coming immediately to you you want to 12 have the same. 13 Q When you were thinking about your idea for a 14 shaver cleaning system, did you draw upon any of your 15 past experiences in either your education or work? 16 A No. 17 Q So you didn't consider the -- your electrical 18 chemical cleaning process? 19 A No. There is nothing which you can use from 20 that process to -- tiny little handheld shaver or 21 cleaning appliance. 22 Q So the size of the device matters -- but in 23 your electrical chemical machining process, you had 24 pumping of fluid to clean and then the fluid was</p>

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<p style="text-align: right;">Page 73</p> <p>1 actually -- ultimately filtered as well, correct?</p> <p>2 A Yes, sure, but it's totally different matter of</p> <p>3 subject than having a cleaning system for an appliance.</p> <p>4 I cannot see any link pin there. Couldn't make use out</p> <p>5 of what I studied or worked on when I was in university</p> <p>6 as compared to cleaning center for dry shaver. Didn't</p> <p>7 see anything there, totally different subject. Not only</p> <p>8 the size.</p> <p>9 Q What other differences were there?</p> <p>10 A First of all, in this particular case the main</p> <p>11 target is to clean an appliance. Electrochemical</p> <p>12 machining filtering was secondary item, get rid of</p> <p>13 sludge, not to clean work piece. You have to clean a</p> <p>14 work piece. It's totally different objective, and the</p> <p>15 liquid is different. Here's it alcohol. There it's</p> <p>16 salty solution. Okay. A pump is there, a pump, big</p> <p>17 deal, pump, to transport liquid always need a pump. Or</p> <p>18 a different level in height. Pump is a common thing.</p> <p>19 It's nothing special.</p> <p>20 Q Did the fact that you had a tank with cleaning</p> <p>21 fluid play any part in your thinking about the shaver</p> <p>22 cleaning system?</p> <p>23 A No. When I was thinking of shaver cleaning</p> <p>24 system I don't think of electrochemical machining.</p>	<p style="text-align: right;">Page 75</p> <p>1 the fathers. I couldn't get the link from the leg of a</p> <p>2 woman to a chicken. I had problems with that.</p> <p>3 Q Do you recall when you gave that testimony?</p> <p>4 A Pardon?</p> <p>5 Q Do you recall when you gave that testimony to</p> <p>6 the German Patent Office?</p> <p>7 A Has to be after we bought the company,</p> <p>8 something '90. 1990.</p> <p>9 Q Would this have been a patent which was issued</p> <p>10 to you that you gave the testimony on?</p> <p>11 A I didn't get your question.</p> <p>12 Q Would this have been a patent -- when you gave</p> <p>13 this testimony, would this have been a patent upon which</p> <p>14 you were named as an inventor?</p> <p>15 A No. It was simply patent of a French guy Al</p> <p>16 Lassier who sold his patent to the owner of the company</p> <p>17 Silk Epil who then sold his company to Braun. Just was</p> <p>18 an expert.</p> <p>19 Q Have you served in the capacity as an expert</p> <p>20 witness on any other occasion?</p> <p>21 A No.</p> <p>22 Q When you were working on your idea for the</p> <p>23 cleaning center, did you think about a cleaning process</p> <p>24 for the shaver heads that Braun had on its line which we</p>
<p style="text-align: right;">Page 74</p> <p>1 Never -- it's -- give you another example.</p> <p>2 There are lot of problems with the patent for</p> <p>3 hair plucker. I was once in a patent case when people</p> <p>4 asked me, well, it's so simple the hair plucker when you</p> <p>5 pluck hairs from the legs of women it must have occurred</p> <p>6 in your head that it's the same process when you pluck</p> <p>7 feathers off chicken. That's what they told me. I said</p> <p>8 incredible the link with that.</p> <p>9 Q I guess I didn't ask. Have you ever been</p> <p>10 deposed before?</p> <p>11 A Pardon?</p> <p>12 Q Have you been deposed before previously?</p> <p>13 A Well, briefly not so extensively, five minutes</p> <p>14 somewhere there in Munich in German patent.</p> <p>15 MR. VORBECK: Patent office.</p> <p>16 MR. SHIMOTA: Q You gave testimony to the European</p> <p>17 Patent Office?</p> <p>18 A If you can call it testimony. They simply</p> <p>19 asked me that question and another one. They wanted to</p> <p>20 know whether the patent of -- the basic patent of the</p> <p>21 Silk Epil hair plucker, epilator, was easy to find</p> <p>22 because of they are hair plucking or feather plucking</p> <p>23 devices on the market, machines, big huge machines where</p> <p>24 you have -- you're plucking in there, try to get rid of</p>	<p style="text-align: right;">Page 76</p> <p>1 discussed earlier?</p> <p>2 A Well, the newest model, newest type of shavers</p> <p>3 of course. You see we have three categories of shavers,</p> <p>4 low price, mid price, high price. To sell cleaning</p> <p>5 center you cannot sell with low price shaver. You have</p> <p>6 to put it with deluxe model. For that particular one</p> <p>7 the thing should have design. These are the appliances</p> <p>8 I gave to the guys in Leon to shave with and to test</p> <p>9 with them.</p> <p>10 Q You remember we discussed the electrochemical</p> <p>11 machining process for the foil.</p> <p>12 A Yes.</p> <p>13 Q Did you consider that when you were thinking of</p> <p>14 your idea for --</p> <p>15 A No, never because nothing to do with that thing</p> <p>16 concerning cleaning, the dry shaver. Electrochemical</p> <p>17 process is depositing of ions, metal ions, in this case</p> <p>18 nickel and platinum on sheet of metal where you put a</p> <p>19 film where the holes are. And where the stages are</p> <p>20 between the holes there's a clean metal and you deposit</p> <p>21 on that metal nickel ions and you peel the whole thing</p> <p>22 off that metal sheet then you have your foil. Totally</p> <p>23 different process altogether.</p> <p>24 Q In that process though wasn't the foil finally</p>

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<p style="text-align: right;">Page 77</p> <p>1 washed in water?</p> <p>2 A Okay. But as I mentioned to you it has been</p> <p>3 dipped and out of the bath then dried with hair dryer</p> <p>4 and cloth then you apply cleaning.</p> <p>5 Q So to your mind that process is different from</p> <p>6 your idea for the cleaning center?</p> <p>7 A Totally.</p> <p>8 Q Why is it totally different?</p> <p>9 A I'm sure you understand the process what's been</p> <p>10 done with cleaning center. What is being done with</p> <p>11 nickel foils or shaver foils, especially that with your</p> <p>12 wife does clean dishes, rinsing and drys it, and here is</p> <p>13 I think little bit different that you have a cradle, you</p> <p>14 have a complicated item shaver head that's cutter block</p> <p>15 and foil without being dismantled, you dip it into a</p> <p>16 liquid, you use the energy of the motion of the motor,</p> <p>17 by movement of the cutter block and you take alcoholic</p> <p>18 solution for dissolving the grease.</p> <p>19 And then, finally, you have dirt which you take</p> <p>20 out of tank and filter it to be recycled. And all that</p> <p>21 thing doesn't happen when I at least wash dishes or your</p> <p>22 wife does or when the shaver foils are being washed and</p> <p>23 cleaned.</p> <p>24 Q Doesn't that happen though in principle when</p>	<p style="text-align: right;">Page 79</p> <p>1 dishwasher is totally different thing, totally different</p> <p>2 method than this particular machine to dry the shaver --</p> <p>3 to clean the shavers.</p> <p>4 MR. SHIMOTA: We need to change the tape, take a</p> <p>5 break.</p> <p>6 THE WITNESS: We have a break? Super.</p> <p>7 THE VIDEOGRAPHER: Here concludes tape 1. We are</p> <p>8 going off the video record at 12:01 p.m.</p> <p>9 (Off the record)</p> <p>10 THE VIDEOGRAPHER: Good afternoon. We are going</p> <p>11 back on the video record at 12:12 p.m. Here begins</p> <p>12 tape 2.</p> <p>13 MR. SHIMOTA: Q Welcome back.</p> <p>14 Right before we broke I believe you compared</p> <p>15 the spraying in a dishwasher to the operation of a</p> <p>16 cleaning center.</p> <p>17 A Right.</p> <p>18 Q Why did you see that as a difference?</p> <p>19 MR. PATTON: Object to the form of the question.</p> <p>20 THE WITNESS: Sorry.</p> <p>21 MR. PATTON: I objected to the form of the question,</p> <p>22 but if you understand it, you can answer.</p> <p>23 THE WITNESS: I understand the question in so far I</p> <p>24 explained it before the break. Difference between</p>
<p style="text-align: right;">Page 78</p> <p>1 you use an automatic dishwashing machine?</p> <p>2 MR. PATTON: Object to the form of the question.</p> <p>3 If he understands the question he can answer.</p> <p>4 THE WITNESS: As far as I understand the dishwasher</p> <p>5 it sprays water with detergent in and there's rotating</p> <p>6 movement. So basically spraying water against cutleries</p> <p>7 and the drying takes -- it's being washed off by the</p> <p>8 spray of water and by the detergent and the drying is</p> <p>9 being done by, I assume, heat, they use hot water. And</p> <p>10 then if you switch off the water, the cutlery is hot and</p> <p>11 evaporates the water sticking on the surfaces. And this</p> <p>12 I think is a way the dishwasher works, but I think here</p> <p>13 there are other things with cleaning center than what</p> <p>14 happens in dishwasher.</p> <p>15 I don't see in dishwasher that the cutlery is</p> <p>16 being moved by means of a motor to make the dirt on the</p> <p>17 plates get off it, off them. As far as I know the</p> <p>18 plates are statically in the dishwasher, point 1.</p> <p>19 Of course, point 2, is, of course, different</p> <p>20 liquid you use there. And, of course, here in a clean</p> <p>21 center there's other spray used that is diving in liquid</p> <p>22 process you can name it like that, lousy English I know.</p> <p>23 But you dive it in liquid and then you -- movement is</p> <p>24 being done by the engine of the shaver. For me a</p>	<p style="text-align: right;">Page 80</p> <p>1 dishwasher and cleaning center you wanted to know?</p> <p>2 MR. SHIMOTA: Q I want to know why you see the</p> <p>3 spraying of fluid in a dishwasher as different from the</p> <p>4 operation of the cleaning center in that particular?</p> <p>5 A Let's put that way we once considered whether</p> <p>6 we could spray the stuff in, but I personally feel it's</p> <p>7 much more efficient if you immerse the shaver head,</p> <p>8 especially the cutter blocks, into liquid because by the</p> <p>9 high speed movement of the cutter blocks you have the</p> <p>10 advantage that you benefit from cavitation which occurs</p> <p>11 at the blades of a cutter block.</p> <p>12 We never made test with spraying, as far as I</p> <p>13 recall, but simply because of thinking we think it's</p> <p>14 better to dive the head down into liquid than to spray.</p> <p>15 Q Spray, spray liquid into the cradle?</p> <p>16 A Well, when we pump the liquid in it's basically</p> <p>17 also spraying, call it spray, you can pump it. You can</p> <p>18 call it pumping. Don't really -- as long as you have a</p> <p>19 cradle. How you feed in the liquid into the cradle is</p> <p>20 irrelevant for my opinion. The main thing is that the</p> <p>21 cutter block is immersed into the liquid.</p> <p>22 Q When you say the main thing, what do you mean</p> <p>23 the main thing?</p> <p>24 A The most important thing for good cleaning</p>

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<p style="text-align: right;">Page 81</p> <p>1 result is that cutter block is immersed into the liquid. 2 The liquid level is -- put that way. That the cutter 3 blocks are in the liquid, operating in the liquid. And 4 this you can from my opinion only ensure if you have the 5 whole head in a cradle. 6 Q And so the whole cradle would be then filled 7 with liquid, is that correct? 8 A Correct. 9 Q And when that would be operating -- when the 10 shaver head would be immersed in the cradle that's 11 filled with liquid, that would ensure cleaning of the 12 shaver head? 13 A Better cleaning result, yeah. 14 Q Well, what other ways did you consider to 15 operate your cleaning system? What other ways did you 16 consider for cleaning the shaver head in your cleaning 17 center? 18 A I think that it was, simply that thing. Fill 19 up a cradle with liquid, put the shaver in it, let the 20 cutter blocks operate. 21 Q That's the idea you thought of, right? 22 A Yes. 23 Q I'd like to direct your attention to paragraph 24 7 on -- actually why don't you just -- maybe we can work</p>	<p style="text-align: right;">Page 83</p> <p>1 A This I don't recall. 2 Q Do you recall who would have designed it? 3 A Apparently this was Guy Cleyet because he was 4 in charge of the drawing department, him and a 5 draftsman. 6 Q Did you have any input into the design of this 7 -- the drawing? 8 A Well, yeah. The basic elements of the cleaning 9 center, the jobs I gave them, for instance, the cradle 10 with rubber cushions, and you see it's in the cross 11 section BB, you see rubber cushions there where the 12 shaver head is being located onto. 13 Q You're looking at DD? 14 A BB, the lower one, here. This is like things, 15 for instance. 16 Q Some of these are numbered. 17 A This has no number. I'll give you another one 18 with number. 19 Q If you look to paragraph 7 of your declaration, 20 we're looking at two documents as well, but it states in 21 paragraph 7 the cleaning center had many components, 22 including a trough or cradle in which the shaving head 23 of the dry shaver could be placed. 24 I'd ask you first in regards to that paragraph</p>
<p style="text-align: right;">Page 82</p> <p>1 through this together as well, what has previously been 2 marked as Defendant's Exhibit 2. 3 A Exhibit A? 4 MR. PATTON: It's been marked as Exhibit 2 in the 5 deposition. 6 THE WITNESS: Okay. 7 MR. SHIMOTA: Q I ask you first. Do you recognize 8 this document? 9 A Yes. 10 Q What is Defendant's Exhibit 2? 11 A Pardon? 12 Q What is that document, Defendant's Exhibit 2? 13 A These are the drawings from Leon. This is -- 14 these are executive drawing of what I call prototype, 15 the third version with the round edges and white body. 16 Q This is the actual drawing of the first 17 prototype? 18 A Which I named first prototype. 19 Q For purposes of this deposition, the white 20 device, rounded edges? 21 A Uh-huh. 22 Q Do you recall who would have drawn this? 23 A Who would have designed it? 24 Q Who would have actually drawn -- did this --</p>	<p style="text-align: right;">Page 84</p> <p>1 what do you mean by a trough or cradle? 2 A This thing here, it's number P 204. Can be 3 that one. But here, this area here, this is what I call 4 basin or cradle or trough, that one here which is 5 somewhat close to the shape of the shaver head. 6 Q How close did it have to be to the shaver head? 7 MR. PATTON: Object to the form. 8 THE WITNESS: If you take it wider, for instance, 9 than the shaver actually is then you are losing out 10 liquid from the tank and pump it somewhere and it's 11 there. If you make too narrow shaver, it wouldn't fit 12 in. My idea was to have it as close as possible to the 13 shaver head, but also not too narrow. One never knows 14 whether later on another type of shaver will come up and 15 then you have to replace the cradle. So it's something 16 universal type of design you need. 17 MR. SHIMOTA: Q So when you were working on your 18 prototype though, you were envisioning using this 19 cleaning center -- it was your idea to have a universal 20 type cleaning center? 21 A Yes. 22 MR. PATTON: Wait before -- I object to the form of 23 the question. Universal for what? 24 MR. SHIMOTA: Q Universal for both existing types</p>

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<p>1 of shavers and future development of shavers.</p> <p>2 A Yes.</p> <p>3 Q Did you envision using your shaver for both</p> <p>4 foil type shavers and rotary type shavers?</p> <p>5 A No because Braun doesn't produce rotary type</p> <p>6 shavers.</p> <p>7 Q Did you ever consider whether your device could</p> <p>8 be used for rotary type shavers?</p> <p>9 A I didn't think of that because that's totally</p> <p>10 different world. It's Philips, competition.</p> <p>11 Q I guess you have used the term basin, trough</p> <p>12 and cradle to describe what is the structure 204. Do</p> <p>13 you think of all those terms synonymously in terms of</p> <p>14 describing what would be 204?</p> <p>15 A What means synonymously? I didn't translate it</p> <p>16 into cradle. I had to only know the German word and</p> <p>17 French words for it. But it was type of basin. That's</p> <p>18 what I explain to the French people, bassin.</p> <p>19 Q Is this bassin the term that you would have</p> <p>20 originally used when you were talking to the French</p> <p>21 people?</p> <p>22 A I had to translate my German thinking and</p> <p>23 German words into French, and basin, bassin, that's what</p> <p>24 they understand.</p>	<p>Page 85</p> <p>1 little hole and overflow into a container. And this</p> <p>2 container can only be below the cradle and not on top</p> <p>3 because the gravity forces the stuff to go down.</p> <p>4 Q Did you ever consider designing the device such</p> <p>5 that you would have had the cradle and the container at</p> <p>6 the same level?</p> <p>7 A Later on, later on, yes, that we wanted then,</p> <p>8 but it was totally different story, might be different</p> <p>9 patent that I know of to collect it and pump it into</p> <p>10 cartridge. This cartridge was on top of the cradle, but</p> <p>11 this is thing which occurred much later on.</p> <p>12 Q When you say much later on, how much later on?</p> <p>13 A I don't know. Two years, maybe more.</p> <p>14 Q This is -- this would have been a replaceable</p> <p>15 cartridge which would have been roughly at the same</p> <p>16 level as the cradle?</p> <p>17 A The cartridge itself, yes, but prior to that</p> <p>18 the liquid poured out of the cradle into a small basin</p> <p>19 from which it was pumped into the cartridge. Actually</p> <p>20 it's three type of tanks, the cradle, the small tank</p> <p>21 underneath the cradle and the cartridge.</p> <p>22 Q What --</p> <p>23 A And the cartridge level was -- I don't know</p> <p>24 exactly how the drawings was, same level and -- it was</p>
<p>Page 86</p> <p>1 Q What words did you use in German to describe</p> <p>2 what would be structure 204?</p> <p>3 A Wanne is the right word. What is wanne in</p> <p>4 English?</p> <p>5 DR. STUTIUS: Trough, tub.</p> <p>6 MR. SHIMOTA: Q So the word -- it would be</p> <p>7 V-A-N-N-E?</p> <p>8 A W-A-N-N-E.</p> <p>9 Q Is wanne a word used to describe the type of</p> <p>10 tub in which -- a person takes a bath?</p> <p>11 A Yes. But that is called badwanne in German,</p> <p>12 badwanne.</p> <p>13 Q Bathtub?</p> <p>14 A Bathtub.</p> <p>15 Q In paragraph 8 you refer to the cleaning center</p> <p>16 also a container for cleaning fluid which was positioned</p> <p>17 below the cradle and then you refer to item 203.</p> <p>18 A Yes.</p> <p>19 Q Why was the cleaning fluid container positioned</p> <p>20 below the cleaner?</p> <p>21 A Because of gravity.</p> <p>22 Q And what did gravity have to do with the</p> <p>23 location of the container?</p> <p>24 A The liquid from the cradle runs down through a</p>	<p>Page 88</p> <p>1 standing cartilage. I've never seen it in the cradle.</p> <p>2 It was unimportant because liquid has been pumped to</p> <p>3 there.</p> <p>4 Q Do you recall who came up with the idea of the</p> <p>5 cartridge at the same level as the cradle?</p> <p>6 A I think it was in the normal discussions I had</p> <p>7 with Mr. Braun when he worked on that project that we</p> <p>8 thought about what can one do in improvement. You have</p> <p>9 these normal type of kind of brain storming, simply a</p> <p>10 discussion, and there you develop ideas. And one of the</p> <p>11 ideas certainly was to have a cartridge with the filter</p> <p>12 integrated and that you pump the liquid from little tank</p> <p>13 underneath the cradle into the cartridge, into the</p> <p>14 filter in the cartridge and then out of the filter into</p> <p>15 the cartridge.</p> <p>16 Q You refer next to -- in paragraph 9 during the</p> <p>17 cleaning operation an electrical circuit shown in the AA</p> <p>18 view of the drawing activated a pump to feed the</p> <p>19 cleaning fluid from the cleaning fluid container to the</p> <p>20 cradle. Can you show me in the AA view where the</p> <p>21 electrical circuit would be. Is that what's referred to</p> <p>22 as plaque circuit electronique in upper left-hand</p> <p>23 corner?</p> <p>24 A This corner here. This is transformer, this is</p>

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<p style="text-align: right;">Page 89</p> <p>1 transformer from circuit field device, from hair 2 plucker, here is the circuit, the drawing circuit. 3 Q Where are you pointing for the transformer? 4 A That whole yoke there. It's written 5 transformer even there. 6 Q I know it's above the top there. 7 A So the thing is being cleansed because you tilt 8 the whole thing, and this is transformer which is really 9 heavy doesn't fall right around it's being cleaned 10 there. 11 Q What was the purpose of the transformer? 12 A You feed in 220 volts motor for the pump and 13 for hair dryer runs on 12 volts so you need transformer. 14 Q You need to basically step down the voltage? 15 A The voltage, and to transform it into direct 16 current, from AC current into direct current. 17 Q The electronic circuit referred to in the AA 18 view -- 19 A This one here? 20 Q Yes. 21 A That's the one that Mr. Cimbal had to design. 22 Q Do you know whether Mr. Cimbal still works at 23 Braun? 24 A No, he doesn't work. He's retired.</p>	<p style="text-align: right;">Page 91</p> <p>1 Q When they were designing the electronic 2 circuit, do you recall whether Mr. Petretty and 3 Mr. Cimbal kept any records regarding their work? 4 A No, I don't know offhand. 5 Q You see in paragraph 9 the final sentence that 6 states, during cleaning the cradle remained above the 7 fluid level of the cleaning fluid in the container. Why 8 was that? 9 A The only explanation for that is that it's 10 easier for liquids which drains through a little hole 11 into the container. It would have a less resistance 12 when there is air between. If you have the level of the 13 liquid within the container on the same -- above that 14 little nozzle there, you have not the distance in height 15 to have a good draining. That's why you need to have 16 the lower level of the fluid in the container than the 17 cradle. That means -- that's what's written here. 18 Q So I guess my question is, in terms of your 19 design, I mean, would it have even been possible to have 20 the fluid level at a higher or the same level as the 21 cradle? 22 A Definitely not -- we have to define level of 23 cradle, what do you mean by that. Is that lower point 24 of the cradle or is the upper level within the cradle</p>
<p style="text-align: right;">Page 90</p> <p>1 Q Do you know when he left Braun? 2 A No, not exactly. After '98, that's what I 3 know. 4 Q Is the name Petretty familiar to you? 5 A Yes. 6 Q Did Mr. Petretty also work on the electronic 7 circuitry? 8 A Yes. 9 Q Would he have been working on that circuitry at 10 the same time as Mr. Cimbal? 11 A Mr. Cimbal is the boss of Mr. Petretty. So I 12 was the boss of Mr. Cimbal. Normal thing I do I give 13 the targets to my direct reporting people and he give 14 the target to Mr. Petretty. 15 Q Basically you know the term chain of command? 16 A Yes. 17 Q Do you know whether it was Mr. Cimbal or 18 Mr. Petretty who actually did the work to design the 19 electronic circuit? 20 A It's Mr. Petretty of course. 21 Q Do you know whether Mr. Petretty is still 22 working at Braun? 23 A I assume yeah. I saw him at least a year ago. 24 He's young enough to still work here.</p>	<p style="text-align: right;">Page 92</p> <p>1 where the overflow is? 2 Q I guess I'm going to ask you then, in terms of 3 your declaration, because you define the fluid level, 4 where do you -- what is your point of reference? 5 A Of reference of what? 6 Q For the cradle. It says that the fluid level 7 in the container is always -- during cleaning it's below 8 the cradle or the cradle is above the level of fluid in 9 the container. 10 A My -- what's mentioned in here means that 11 lowest point of the cradle, i.e., there where that 12 little hole opens up into the container. 13 Q Or where the outlet port is? 14 A Pardon? 15 Q Where the outlet port? 16 A Outlet port. Outlet port against the overflow. 17 Q That would be at the bottom of what is shown as 18 P204? 19 A P204, at the lower bottom, yeah, not the 20 internal -- not the inner curve, but outer curve. 21 Q You'd have one curve which would be basically a 22 plastic part, I assume? 23 A Right. 24 Q Then have inner curve and lower curve so it's</p>

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<p>1 the lowest point of that?</p> <p>2 A Correct.</p> <p>3 Q And in terms of -- you describe in these</p> <p>4 paragraphs, I'm just asking you general, various</p> <p>5 features that your prototype had. Your prototype had</p> <p>6 all of these features prior to any discussions that you</p> <p>7 would have had with Mr. Braun, is that correct?</p> <p>8 A Yes.</p> <p>9 Q When you were -- when you finished on -- when</p> <p>10 you came up with the idea for your cleaning center, did</p> <p>11 you think it was a new idea?</p> <p>12 A Yeah, it didn't exist in the market yet.</p> <p>13 Q Let me ask you it this way. Did you think you</p> <p>14 were the first person to think of your type of -- the</p> <p>15 cleaning center?</p> <p>16 A I think I cannot answer with that question. I</p> <p>17 don't know what other people are thinking. Only thing I</p> <p>18 knew it was not -- somewhat similar appliance in the</p> <p>19 marketplace. Didn't exist yet. Whether some people in</p> <p>20 Remington were thinking about it, I don't know.</p> <p>21 Q I guess -- yeah, I understand your point. Did</p> <p>22 you believe that you were the first person who come up</p> <p>23 with this idea?</p> <p>24 A I cannot answer that question I believe. I</p>	<p>Page 93</p> <p>1 whether it's patentable yes or no when I did that. I</p> <p>2 didn't worry about that thing. It's up to the</p> <p>3 specialists.</p> <p>4 MR. SHIMOTA: Q Well, at the time did you think</p> <p>5 this was the type of idea that warranted going to the</p> <p>6 patent specialists?</p> <p>7 A Sorry. I didn't get your question.</p> <p>8 Q At the time you were working on your</p> <p>9 prototype, did you believe that your work was the type</p> <p>10 of work that warranted reporting it to Braun's patent</p> <p>11 department?</p> <p>12 A Well, every job which is being done in</p> <p>13 development department should go first to patent</p> <p>14 department that they have look on it whether it's a</p> <p>15 chance to get a patent out of it.</p> <p>16 Q Is that what you did when you were doing your</p> <p>17 work --</p> <p>18 A At later stage.</p> <p>19 Q In later stage you went to the patent</p> <p>20 department?</p> <p>21 A I don't know when exactly I went to them, but</p> <p>22 this is normal procedure that I present it there or</p> <p>23 Mr. Braun presented there, I don't know who did it. I</p> <p>24 cannot tell you. And from there they say okay this is</p>
<p>1 never thought about it actually not.</p> <p>2 Q You never thought whether -- that your cleaning</p> <p>3 center was a new idea?</p> <p>4 A Only to the point that it was nothing else</p> <p>5 comparable on the market. This particular case, yes,</p> <p>6 you're right I knew it was the thing which is not on the</p> <p>7 market. So possibly might have been the first thinking</p> <p>8 of it, but I don't know.</p> <p>9 Q I mean did you believe at the time that it was</p> <p>10 inventive?</p> <p>11 MR. PATTON: I object to the form of the question.</p> <p>12 THE WITNESS: It's a normal thing here in Braun the</p> <p>13 designer makes something, either with idea or not. And</p> <p>14 he has drawings and functional model. He must before</p> <p>15 the thing has been over to present somewhere within the</p> <p>16 organization, he has to go to patent department, they</p> <p>17 have to have a look over it and then these people might</p> <p>18 say, okay, there's a possibility you get patent on that,</p> <p>19 that, that or on the whole procedure or what you have</p> <p>20 there.</p> <p>21 So normally the designer who is the inventor</p> <p>22 cannot say is this a patentable thing yes or no. They</p> <p>23 present it to specialist, a patent department, and they</p> <p>24 decide, yeah, it's patentable. So I don't worry about</p>	<p>Page 94</p> <p>1 what to make a draft for patent.</p> <p>2 Q So did you present, for example, this drawing</p> <p>3 to the patent department?</p> <p>4 A I'm not sure whether I did it or Mr. Braun did</p> <p>5 it, but basically what you do you take drawing and</p> <p>6 prototypes with you to make it easier and then these</p> <p>7 people start thinking whether there's a chance to get a</p> <p>8 patent.</p> <p>9 Q Did you have any discussions with the patent</p> <p>10 department --</p> <p>11 A Not me, no. Later on, yes. But, no, it wasn't</p> <p>12 me. It must have been Mr. Braun.</p> <p>13 Q When you say later on, what do you mean?</p> <p>14 A When they ask me what all about that, whether I</p> <p>15 think it's good idea, yes or no. I'm not aware that I</p> <p>16 discuss the thing prior to Mr. Braun working on it with</p> <p>17 patent department, no.</p> <p>18 Q Well, did you ever work with any attorneys on</p> <p>19 drafting a patent application for the shaver cleaning</p> <p>20 system?</p> <p>21 A No, nothing, never.</p> <p>22 Q Never?</p> <p>23 A For cleaning system?</p> <p>24 Q Yes, for the cleaning system.</p>

24 (Pages 93 to 96)

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<p style="text-align: right;">Page 97</p> <p>1 A As I mentioned, the -- what was being asked, 2 what I think of that thing here, that was the contact 3 with the patent department, and then I give my opinion 4 to them.</p> <p>5 Q Well, let me ask this.</p> <p>6 A Or did I get your question wrong?</p> <p>7 Q No. You can answer it however.</p> <p>8 I took Mr. Braun's deposition yesterday, and he 9 testified that both you and he worked with an external 10 attorney on drafting the patent application for the 11 shaver cleaning system. Does that refresh your 12 recollection in any way as to whether you worked with an 13 attorney?</p> <p>14 MR. PATTON: I object to the form of the question, 15 and I'm not sure that that was Mr. Braun's testimony.</p> <p>16 But with that objection, you can answer if 17 you --</p> <p>18 THE WITNESS: No, I don't know of any external -- 19 how do you call it -- attorney?</p> <p>20 MR. PATTON: Attorney.</p> <p>21 THE WITNESS: Attorney -- I worked with on that 22 thing here, never happened.</p> <p>23 MR. SHIMOTA: Q Would it surprise you that -- if 24 Mr. Braun had so testified?</p>	<p style="text-align: right;">Page 99</p> <p>1 Q Would you please spell that name?</p> <p>2 A J-E-S-T-A, with two dots, D-T.</p> <p>3 Q Would Mr. Jestädt have become your boss in 4 approximately the end of 1992?</p> <p>5 A Yes, about that. I don't know exactly, but in 6 '92 he became my boss.</p> <p>7 Q How long did he remain as your boss?</p> <p>8 A Until I went, I retired.</p> <p>9 Q Until 1998?</p> <p>10 A Yes.</p> <p>11 Q You also mentioned that colleagues were at your 12 meeting.</p> <p>13 A Colleagues, yes.</p> <p>14 Q What colleagues would that have been?</p> <p>15 A The head of the different other departments, 16 household appliances, personal care appliances, clocks, 17 toothbrush, et cetera, et cetera and the head of 18 research department.</p> <p>19 Q Who was the head of the research department?</p> <p>20 A I don't know. Could have been Mr. Murtaugh, 21 but I don't know whether he was at the time. Maybe 22 Loveaon. Could also have been Loveaon. Yes.</p> <p>23 MR. SHIMOTA: Q I believe you said that after -- at 24 some point in time the patent department asked for your</p>
<p style="text-align: right;">Page 98</p> <p>1 A Yes. I'm not aware about that, about external 2 attorney.</p> <p>3 Q When I say external attorney, I mean someone 4 who does not work for Braun.</p> <p>5 A Employed by Braun, yes.</p> <p>6 Q That's correct.</p> <p>7 A I understand that.</p> <p>8 Q Look at paragraph 16 of your declaration. 9 States the parts of the cleaning device are also 10 illustrated in a November of '92 presentation entitled 11 R & D shavers/Future, which I made internally at Braun. 12 Do you see that? To whom did you make that 13 presentation?</p> <p>14 A This was an R & D meeting where my boss and my 15 colleagues were sitting together and discussing the 16 future projects or better said visions of what Braun can 17 do in the future.</p> <p>18 Q So it would have been your boss Mr. Hexner, is 19 that correct?</p> <p>20 A No, it was a new boss, Mr. Jestädt. He -- It 21 was Mr. Jestädt and he came newly into this position and 22 he did ask to find what's in the pipes that everybody 23 makes presentation about vision for their products, 24 product lines.</p>	<p style="text-align: right;">Page 100</p> <p>1 opinions regarding the shaver cleaning system, is that 2 correct?</p> <p>3 A Correct.</p> <p>4 Q What opinions did you give them?</p> <p>5 A Basically they have a type of format with 6 different questions and you answer with a yes or no. So 7 I don't have the form in front of me. So I answered the 8 question, and the tendency was is good product, let's go 9 develop and it's worthwhile a patent. So, of course, I 10 sponsored the thing.</p> <p>11 Q Did you provide any other opinions to the 12 patent department beyond that?</p> <p>13 A No.</p> <p>14 Q Anyone ask you about the form that you filled 15 out?</p> <p>16 A No, they didn't.</p> <p>17 Q In paragraph 16 you refer to a wall mount. Do 18 you see that?</p> <p>19 A 16 you said?</p> <p>20 Q Yes. The last sentence there's referred to 21 with a wall mount.</p> <p>22 A 16 I don't find the word wall mount. Oh. Oh, 23 there it is. Okay. Yes, but then I need a different 24 drawing.</p>

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<p style="text-align: right;">Page 101</p> <p>1 Q So the wall mount is not shown in this drawing? 2 A Not on this one here, but in my presentation. 3 Q Mark as Defendant's Exhibit 27 a document 4 bearing the Bates range B04847 to B004858 stopping at 5 also -- this includes the English translation as well. 6 (Exhibit 27 marked as requested) 7 A These are top secret in here even though they 8 are old. They are floating around Remington now? 9 Q No, just the lawyers. 10 MR. PATTON: Is there a question? 11 MR. SHIMOTA: Q He said he could find the wall 12 mount. If he could point that out to me. 13 A Basically two lines. These two lines here. 14 Q Which two lines are you referring to? 15 A See there line here and that line there? This 16 represents the wall mount where we hook the thing in. 17 MR. VORBECK: You're reading the text. It says -- 18 the German text says wandeinfassung, that means wall 19 mount. 20 THE WITNESS: We -- it's only by means of that line 21 there. 22 MR. SHIMOTA: Q We talked a little earlier about in 23 your prototype the shaver that -- the rear end of the 24 shaver being held in some way. Were you referring to </p>	<p style="text-align: right;">Page 103</p> <p>1 developing in France. 2 Do you see that? 3 A Yes. 4 Q Would you have asked for Mr. Braun's assistance 5 before or after you gave the presentation -- the future 6 presentation we were just looking at? 7 A I can't tell you that answer. I don't know. 8 Q Would you have done that before or after 9 Mr. Cimbal and Mr. Petretty had done their work on the 10 control circuitry? 11 A Definitely after because the control circuitry 12 was already in the Leon appliance, and later on I asked 13 Braun to work on it, to continue working on it. 14 Q How do you know that you asked Mr. Braun to 15 work on the prototype in 1992? 16 A Well, he was reporting not directly to me. He 17 was reporting to another person who again reported to 18 me, and he was at the time somewhat -- had no real job, 19 not concrete working in a team. And so I asked when I 20 had the idea from Braun -- from Leon, somewhat finished 21 and the jobs were finished at the time, yes, which was 22 in the area of late '92, I asked then Mr. Braun to 23 develop further the appliance or the idea into 24 an appliance. This was basically the functional model </p>
<p style="text-align: right;">Page 102</p> <p>1 the wall mount when you talk about that structure which 2 held? 3 A No. I'm referring to rubber cushions up here, 4 circuitry. That's the shaver here. It sticks out 5 higher here. And it's being positioned on the rubber 6 cushions down there in the cradle. It's not presented 7 here because this can be rubber cushion, yeah, that 8 thing there. There's one here and one on the other 9 side. And this here was sticking out here with the 10 socket where you put the cord in up here and here are 11 rubber cushions or plastic parts where the shaver is 12 being held so it doesn't tilt in any direction. 13 Q And those cushions at the top, those were not 14 part of the cradle structure, is that correct? 15 A Yes, they are not part of the cradle structure, 16 no. 17 Q It's a different structure? 18 A Yes. 19 Q Set this aside for a moment and refer back to 20 your declaration. Set this aside for a second. 21 Paragraph 20 it states, in 1992 as part of my 22 duties as director of research and development for 23 shavers, I began to supervise Mr. Braun and asked him to 24 develop further the cleaning center that I had begun </p>	<p style="text-align: right;">Page 104</p> <p>1 the one with the round corners, it's the same, but it's 2 nicer, a prototype. Now it has to be developed in a 3 product which can go into production and then we have to 4 guide the internal production processes of Braun, 5 company of Braun. That's why I then asked Mr. Braun to 6 do that job for me. And it was in the area of November 7 of '92 when the Leon guys had finished their job there 8 on that subject. 9 Q So this -- these events all have been occurring 10 right around the end of 1992, is that correct? 11 A I did not understand your question. 12 Q Well, the events that -- the work at Leon, your 13 discussions with Braun and your future presentation, 14 they would have all been occurring around the end of 15 1992? 16 A Right. 17 Q Do you recall what you asked Mr. Braun 18 specifically to do with regard to your prototype? 19 A As I told you to -- to design, to develop and 20 to design the ideas of that functional model prototype 21 into producible item. And this, of course, means, first 22 of all, that there had to be discussions necessary with 23 the aesthetic design department because they are one of 24 the first people involved in a new product to make it </p>

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<p>1 look nice.</p> <p>2 And, well, he took the elements, the targets</p> <p>3 what we had, the cradle, filter and pump and whatever we</p> <p>4 got there to try to develop -- to get the guys in the</p> <p>5 aesthetic design department to come up with a nice</p> <p>6 design on it. And, of course, there are other things</p> <p>7 which he had to investigate such as pumps, pump is very</p> <p>8 simple thing there, and to find out about better systems</p> <p>9 for pumps, more efficient ones to optimize heating and</p> <p>10 this type of thing, all jobs for -- which I gave to</p> <p>11 Mr. Braun.</p> <p>12 Q Do you know who worked on the design in the</p> <p>13 aesthetic design department?</p> <p>14 A I think it was Mr. Schneider. Schneider he's</p> <p>15 the boss now, yeah. Schneider.</p> <p>16 Q Do you recall who worked under Mr. Schneider at</p> <p>17 the time?</p> <p>18 A Might be that he gave it to one of his</p> <p>19 colleagues or something, but the outcome I know, how the</p> <p>20 appliance looked like.</p> <p>21 Q Do you know if Mr. Schneider still works at</p> <p>22 Braun?</p> <p>23 A Yes, he does.</p> <p>24 Q He was working at Braun in 1992 as well,</p>	<p style="text-align: right;">Page 105</p> <p>1 particular model there are huge big hole by either whole</p> <p>2 surface from left to right here and around where the</p> <p>3 evaporation could take place. There was on the sealing</p> <p>4 on this thing, but this design like it is being shown</p> <p>5 here couldn't prevent excessive evaporation.</p> <p>6 So that's again needed totally different setup</p> <p>7 of the elements, cradle, filter, pump, electronics, et</p> <p>8 cetera, to avoid evaporation or minimize evaporation.</p> <p>9 And that's why -- there was lot of discussions between</p> <p>10 myself and Mr. Braun and trying to find out how one can</p> <p>11 optimize or solve that problem and correct along until</p> <p>12 we found a version which later on has been put into</p> <p>13 aesthetic design thing.</p> <p>14 Q What was the solution to the problem with</p> <p>15 evaporation?</p> <p>16 A The basic thing, this came up in the due course</p> <p>17 of discussion, is to have a cartridge with an integrated</p> <p>18 filter which is closed, and there is a majority of</p> <p>19 liquid sitting in. And you don't have that wide open</p> <p>20 space there where it can evaporate. And having had the</p> <p>21 idea of the cartridge then we could position the</p> <p>22 cartridge anywhere. Then it came to the point when the</p> <p>23 cartridge was on same level or higher up in the cradle</p> <p>24 was and -- then, of course, from there Mr. Braun</p>
<p>1 correct?</p> <p>2 A Yes.</p> <p>3 Q Can you think of -- aside from what you've</p> <p>4 already told me, any other things that Mr. Braun needed</p> <p>5 to do or that you -- can you think of any other things</p> <p>6 that you tasked Mr. Braun to do to improve upon your</p> <p>7 original prototype?</p> <p>8 A There was certainly one thing which is the</p> <p>9 consumption of cleaning liquids to minimize that.</p> <p>10 Q Do you mean minimizing the evaporation of</p> <p>11 cleaning liquid?</p> <p>12 A Yes.</p> <p>13 Q And how, if at all, was the evaporation of</p> <p>14 cleaning liquid minimized?</p> <p>15 A How it was minimized?</p> <p>16 Q Yes.</p> <p>17 A That is a very difficult thing. Well, first of</p> <p>18 all, you have to make sure that once the cradle is</p> <p>19 emptied from the liquid that what's still left in the</p> <p>20 shaver head as liquid is to be rattled out, which means</p> <p>21 that you have to let the shaver run a little bit longer</p> <p>22 then you switch the pump off. That's one thing.</p> <p>23 Another thing is, of course, to try to close</p> <p>24 any holes where liquid can evaporate. Here in this</p>	<p style="text-align: right;">Page 106</p> <p>1 developed other ideas such as -- little tank here where</p> <p>2 the dirty stuff went in and has been pumped by the pump</p> <p>3 into the cartridge and from the cartridge in the filter</p> <p>4 and then out again into the cradle.</p> <p>5 So this came then step by step when you develop</p> <p>6 a program -- product, you find step by step of the new</p> <p>7 ideas. One of the major things was that. Another one</p> <p>8 was to reduce cost, of course, of the thing. You know,</p> <p>9 here were two motors in and we could have done it with</p> <p>10 one motor go clock and counterclockwise, driving the</p> <p>11 pump -- and the fan wheel. That was Mr. Braun's design.</p> <p>12 Q Just taking a step back to the evaporation</p> <p>13 point. If you look back to paragraph 17 in your</p> <p>14 declaration states that the cradle was open to the</p> <p>15 atmosphere such that the dry shaver could be inserted</p> <p>16 from the top into the cleaning device without need to</p> <p>17 disassemble the shaver or move components or covers from</p> <p>18 the cleaning center.</p> <p>19 Now because the cradle had the outlet port,</p> <p>20 wouldn't it then be the case that cleaning fluid would</p> <p>21 evaporate from the cradle or through the port of the</p> <p>22 cradle?</p> <p>23 A That was not the problem. The funny thing is</p> <p>24 that you would find always little drop in that outlet</p>

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<p style="text-align: right;">Page 109</p> <p>1 port if you design it small enough, and this is -- has a 2 function of a sealing. There was basically no 3 evaporation through. The evaporation took place in this 4 particular item here because you have here tank with 5 liquid in, and all the elements sticking there from the 6 top so evaporation could take place.</p> <p>7 Now, we close the thing with cover you have to 8 make sure here is good sealed thing, and even through 9 other holes and through that chimney where the dry 10 shaver sitting in so that no evaporation takes place 11 there.</p> <p>12 You understand?</p> <p>13 Q I do understand.</p> <p>14 A Good.</p> <p>15 Q If you go to paragraph 22 of your declaration 16 which states as Mr. Braun's supervised I re -- 17 supervisor I reviewed the invention disclosure statement 18 and approved the naming plaintiff Braun as the sole 19 inventor on the internal invention disclosure. Although 20 I developed parts of the cleaning device disclosed in 21 the internal invention disclosure, I had no desire to be 22 named an inventor on any patents based on the cleaning 23 device.</p> <p>24 First question is, from what Mr. Braun had</p>	<p style="text-align: right;">Page 111</p> <p>1 hole. From there the dirty or polluted solution has 2 been sucked off into the pump. This avoids debris. In 3 this case you have debris floating all over the place 4 and forms a sludge down there that is not nice. 5 By that invention of Mr. Braun it was assured 6 there was no sludge in the tank down there and dirt was 7 all sitting in the filter, which is definitely a good 8 idea.</p> <p>9 Q Do you recall any other things you thought 10 Mr. Braun had invented?</p> <p>11 A I assumed there was again which is not here the 12 interlock. That's the shaver, once it's in the cleaning 13 position is by means of press button fixed or locked 14 into the device so that during the cleaning operation 15 nobody can take it out.</p> <p>16 Q How did that differ from the locking mechanism 17 you had in your original device?</p> <p>18 A There was none in here. There was no locking 19 thing. There was one -- one you could say a type of 20 locking system in, but it's not 100 percent one, but 21 ever since you have to tilt that cover down here and 22 then you have to put a shaver in here's a little switch 23 which said, okay, as long as the switch is not operated 24 you cannot get the whole system into operation, you have</p>
<p style="text-align: right;">Page 110</p> <p>1 described at the time, did you consider yourself to be 2 an inventor of anything that was described in 3 Mr. Braun's internal invention disclosure?</p> <p>4 A Sure.</p> <p>5 Q Do you recall what parts you thought you were 6 the inventor of?</p> <p>7 A Well, the basic things of the cleaning center, 8 having cradle, sitting on top higher up than the liquid 9 container, having a pump, having a fan wheel and even 10 heating element at the time, which I don't know whether 11 it's mentioned in the patent. The whole system. 12 Basically what's here on the paper. That's my idea and 13 Mr. Braun has improved the things, added things, 14 improvements and further developed things and that's why 15 Mr. Braun could have been named as an inventor.</p> <p>16 Q Did you think that Mr. Braun had invented 17 anything?</p> <p>18 A Yes.</p> <p>19 Q What did you think Mr. Braun had invented?</p> <p>20 A For instance, there is -- using only one motor 21 for driving fan wheel and pump by going clock and 22 anticlockwise. Then there is, which is not in that 23 drawing, for instance, another chamber called dish 24 underneath the point where you have that little drainage</p>	<p style="text-align: right;">Page 112</p> <p>1 to press a switch which means you have to put the cover 2 down here and then the system could be operated, but 3 this is not real interlock. It's a bandage, quicker.</p> <p>4 Q I want -- this would come over and the shaver 5 would sit in the cradle and it couldn't fall and move 6 around, right, in the original device?</p> <p>7 A Right.</p> <p>8 Q Something was providing support?</p> <p>9 A Was providing support, but then to get the 10 shaver out of that device here we have to make it 11 somehow free from -- that was the idea which was not 12 presented here in this drawing to get it free out of the 13 cradle. It means you have to tilt the whole thing off. 14 But this releasing this switch button and then you could 15 take the shaver out of the upper part of that housing. 16 There was a security device in the thing, but it was 17 lousy and it was done like that here.</p> <p>18 Q Aside from the single motor, the dish below the 19 cradle and the interlock, did you believe that Mr. Braun 20 had come up with any other inventions at the time?</p> <p>21 A There was another one. It was the -- what is 22 it? A hose from the dish into the pump which was 23 perforated so that in case the pump was sucking more 24 than the fluid which came out of the cradle, which means</p>

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<p>1 of that holes in that hose it could suck liquid from the 2 tank into the pump into the filter, but there was no air 3 within the whole system, you know, air bubbles. 4 Q Beyond those four items, is there anything 5 else? 6 A Not to my knowledge, no. What's written what's 7 covered by these two patents which we are talking about, 8 there might be other patents later on, Braun's 9 inventions are there as well, but I'm not aware of. 10 Q Did Mr. Braun have anything to do with the 11 control circuitry for the shaver cleaning device? 12 A Well, basically not apart from timing. Say, 13 oh, please Mr. Petretty or Mr. Cimbal do the time from 14 switching of the pump to switching of the shaver little 15 bit longer because otherwise I lose too much liquid. 16 This certainly was in the objective or in the -- his 17 starts. The designing of the electronic circuit itself 18 he has nothing to do with. 19 MR. PATTON: Jim, it's 5 after 1:00 and the canteen 20 closes at 2:00. 21 MR. SHIMOTA: Take lunch now. 22 MR. PATTON: Or whenever it's convenient for you. 23 MR. SHIMOTA: Q Let me just ask you one question 24 and we can come back to it when we come back.</p>	<p>Page 113</p> <p>1 of circuit that you press with a pump the liquid -- 2 dirty liquid through the filter into the cradle. 3 Q So you chose putting the filter on the pressure 4 side because you thought it was more optimal? 5 A Yes. 6 Q In your original prototype was the filter 7 removable? 8 A Yes. 9 Q So you could -- you had a dirty filter, you 10 could take it out and put a new one in? 11 A Right. You see it here in the cross section 12 AA. 13 Q Where in the cross section AA? 14 A The filter was located on element P241, sitting 15 there. 16 Q Is it P256? 17 A No, 241. 18 Q 241 is the filter? 19 A It was in basement within filter was positioned 20 onto. Okay. And you have that nozzle here looking into 21 the filter. So you could -- you could put the filter or 22 kept the filter and pull -- pushed it -- pulled it 23 upwards and the nozzle here, P241, stays within the 24 appliance. You understand that?</p>
<p>Page 114</p> <p>1 Look at paragraph 13 in your declaration. It 2 starts there in second sentence, the filter was located 3 between the pump and the cradle to ensure that the 4 cleaning fluid fed to cradle during the cleaning was 5 clean. 6 Why was the filter located between the pump and 7 the cradle? 8 A Very simple because if you only have clean 9 fluid in the cradle, to get clean fluid into the cradle, 10 which is filled up, you have to press the dirty liquid 11 through the filter into the cradle. Because the dirt 12 you need pressure to press liquid through because the 13 filter will be -- is clogging if you do it without 14 pressure or you need -- how can I -- it's from my 15 opinion quite clear. You can do it the following way to 16 explain it to you. If you do it the other way around, 17 which means you have the cradle and then the filter and 18 then the pump, and then you suck the dirty liquid 19 through the filter, and sucking always is -- has a lousy 20 efficiency than pressing. You can easily create couple 21 of atmosphere when you press, but you can only create 22 one atmosphere when you suck. In other words, the 23 liquid will evaporate. That's physics. 24 So this is quite normal that you have this type</p>	<p>Page 116</p> <p>1 Q I understand that. 2 A Good. 3 MR. SHIMOTA: This is a convenient time to take 4 lunch. 5 THE VIDEOGRAPHER: We're going off video record of 6 tape 2 at 1:09 p.m. 7 (Off the record) 8 THE VIDEOGRAPHER: We're going back on the video 9 record at 1:53 p.m. Here continues tape 2. 10 MR. SHIMOTA: Q Welcome back. 11 A Okay. 12 Q If you could refer again to your declaration, 13 Exhibit 1. I'll redirect your attention to paragraph 14 22. It states in the final sentence of paragraph 22, 15 although I had developed parts of the cleaning device 16 disclosed in the internal invention disclosure, I have 17 no desire to be named as an inventor on any patents 18 based on the cleaning system. 19 Why did you not have the desire to be name as 20 an inventor? 21 A There are several reasons. 22 Q Okay. 23 A Let's put that way the most important reason is 24 that I wanted the people -- it's by policy that I want</p>

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